THE

LIFE

OF

WILLIAM LORD RUSSELL.


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THE

LIFE

OF

WILLIAM LORD RUSSELL;

WITH SOME ACCOUNT OF

THE TIMES IN WHICH HE LIVED.

BY

LORD JOHN RUSSELL.

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1819.

TO

JOHN DUKE OF BEDFORD,

THIS WORK IS INSCRIBED,

AS A MARK OF

RESPECT, GRATITUDE, AND AFFECTION.

PREFACE.

However gratifying it must be to the feelings of a descendant of Lord Russell to record the actions of so worthy an ancestor, I should hardly have undertaken the task without some view of general utility. The fame of Lord Russell might be safely left to the historians of all parties, who concur in his praise*; nor have the endeavours which have been lately made to detract from his merits, obtained sufficient notice from the public to require an answer. But in these times, when love of liberty is too generally supposed to be allied with rash innovation, impiety, and anarchy, it seems to me desirable to exhibit to the world, at full length, the portrait of a man who, heir to wealth and title, was foremost in defending the privileges of the people: who, when busily occupied in the affairs of public life, was revered in his own family as the best of husbands and of fathers: who joined the truest sense of religion with the unqualified assertion of freedom: who, after an honest perseverance in a good cause, at length attested, on the scaffold, his attachment to the ancient principles of the constitution, and the unalienable right of resistance. Nor does it take away from the usefulness of such an attempt, that Lord Russell was sometimes led into error by credulity or party zeal: let others attempt, if they can, to avoid such mis-

* Burnet, Temple, Hume, &c.

takes; but let them, at the same time, confess, that the courage and perseverance of Lord Russell were amongst the chief causes of that Revolution to which we owe our present liberties.

There are some observations, however, which ought properly to precede this work, lest the reader should find the same disappointment in the perusal, which the author felt in the commencement of his enquiry.

What most contributes to render biography amusing, is a certain singularity, and some degree of forwardness and presumption in the hero.

But the character of Lord Russell was plain, sober, and unaffected: he was not endowed with brilliant talents, and he made no attempt to distinguish, either by speaking or writing, his own merit from that of the party with which he acted. He does not appear as an original proposer of any great measure; and he always inclined to the course which was the least striking and ambitious. Why, then, it may be said, obtrude upon the public an account of his life? I can truly answer, that after having written by far the greater part of this work, and laid it aside for nearly two years, my first impressions on reading it again were, that it could not, in this shape, be given to the world.

But other reflexions induced me to resume it.

The period to which the active life of Lord Russell belongs is one of great importance. From the year 1670 to 1683 may be styled the middle of that great contest which, beginning in 1641, and ending in 1688, has been very properly called a revolution of half a century.

The sons of Charles the First had confident expectations of establishing an arbitrary monarchy in England; and, on the other side, there were many real patriots determined to surrender their liberties only with their lives.

At this period a struggle took place between the Crown and the Parliament, which ended in the complete victory of the former; and had not James attacked the church, as well as the constitution, would, probably, have led the way to despotism. The triumph of Charles the Second over his Parliament was scarcely less signal than that of the Parliament over his father, and like it, sealed with blood. But it differs in one remarkable particular. Although Charles the Second was finally successful, all the laws enacted during the contest were in favour of the conquered party.

The history of this period, as Mr. Serjeant Heywood has remarked, has not yet been accurately written. Hume had finished his work before Sir John Dalrymple published the valuable dispatches of the French ministers in England; besides which, every reader must feel that his partiality to the house of Stuart greatly lessens the value of what he has written. Yet, even with these defects, such is his depth of thought, and beauty of style, that I cannot take up his book without wondering at my own presumption in describing events which have been related by so able an author.

A very different feeling arises in my mind on looking at the work of Sir John Dalrymple. At first one is inclined to believe, that his taste for bombast led to his numerous errors; but when it appears, as I think it does in the following pages, that there is not a single

member of the Whig party of any note whom he has not traduced by false allegations, it is difficult to acquit him of intentional misrepresentation.

The last few years have brought to light several works which illustrate the reign of Charles the Second. The Life of King James, great part of which is written by himself, and Evelyn's Memoirs, are the most remarkable. With the assistance of these materials I conceived that it was possible a narrative might be formed of the domestic history of Charles the Second, not altogether uninteresting. And although I have been obliged sometimes to lose sight of Lord Russell, he is always closely connected with the subject; for the opposition made to the designs of Charles the Second began with his entrance into public life, was continued with his aid, and was totally extinguished at his death.

The principal sources from which the present work is derived, are the well known histories, and memoirs, written by persons who lived at the time of which they treat. But it would be ungrateful in me not to acknowledge the great obligations I owe to the late Mr. Howell, the editor of Cobbett's State Trials. The new Parliamentary History has also been of great use to me. And I have derived most useful lights from the observations on this reign, contained in the introductory chapter of Mr. Fox's History; a work which contains more sound constitutional opinions than any other history with which I am acquainted. Some information was gained from the letters of Secretary Coventry, in manuscript, at Longleat. A few letters and papers are preserved at Woburn Abbey. But by far the most valuable assistance I have received, has been from the original

letters of Lady Russell, which the Duke of Devonshire had the kindness to let me see. They will, I hope, be given to the world as soon as this work, accompanied by all the illustrations they require.

In this place I beg to return my best thanks to Lord Sidmouth, for the permission to see some papers concerning Lord Russell, in the State-Paper Office. And to Lord Granville Somerset, for the research he desired to be made into the books of the Treasury. It is here proper to state, that since the enquiry mentioned in page 182., respecting the death of Lord Essex, I have been informed that the books of payments and receipts for the period to which my investigation relates, in the offices of the Auditor of the Exchequer, and Clerk of the Pells, are in such confusion, that it would be very difficult to examine them. So that the question, whether the valet of Lord Essex received after his master's death a gratuity from the Court, must still remain undecided.

The style and composition of the following work require much apology, which, I trust, the indulgence of the public will supply.

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FACSIMILE OF THE WRITING OF LORD RUSSELL.

I cannot but think myselfe very
unfortunate in appearing at this
place charged with a crime of
the blackest, & wickedest nature
& that intermix'd & intreated with
the treasonable, & horrid practices
& speeches of other men: And the
Kings learned Counsell taking all
advantages, improving & heighthing
every circumstance against mee:
And I myselfe noe Lawyer, a very
unready speaker, & altogither a
Stranger to proceedings of this kind.

W. Russell

FACSIMILE OF THE WRITING OF LADY RUSSELL.

yr frinds believing I can do
you som service, at ye tryal
I ame extreme willing to try
my resolution will hold out
pray let yours; but it may
be ye Court will not let me
however do you let me try;
I think however to meet you
at Richisons, & ther resolve;
yr brother red will be wth me
& sister marget:

Sid. Hall sculp.

THE LIFE

OF

WILLIAM LORD RUSSELL.

CHAPTER I.

ORIGIN OF THE FAMILY OF RUSSELL. — THE FIRST EARL OF BEDFORD. — FRANCIS, EARL OF BEDFORD. — WILLIAM, EARL OF BEDFORD.

THE family of Russell seems to have been long in possession of a small landed property in Dorsetshire. In 1221 John Russell was constable of Corfe Castle. William Russell, in 1284, obtained a charter for a market at his manor of Kington-Russell. In the first year of Edward the Second, he was returned to parliament one of the knights for the county of Southampton. Sir John Russell, the lineal descendant of William, was Speaker of the House of Commons in the second and tenth years of the reign of Henry VI. His son John Russell lived at Barwick, about four miles from Bridport.* A fortunate occurrence opened the way to wealth and honour.

In the twenty-first year of the reign of Henry VII., Philip, Archduke of Austria, and in right of his wife, King of Castile, having encountered a violent storm on his passage from Flanders to Spain, was obliged to put into Weymouth. Sir Thomas Trenchard, who lived near the port, entertained him in the best manner he was able, till he could acquaint the King with his arrival. In the mean time he sent for Mr. Russell, who had travelled abroad, and was acquainted with foreign languages. The Archduke was so much pleased with Mr. Russell

* Dugdale's Baronage, v. ii. p. 277.

that he took him with him to court, and recommended him warmly to the King. He was immediately made one of the gentlemen of the privy-chamber. He afterwards attended Henry VIII. in his expedition in France, and was present at the taking of Therouenne and Tournay. He obtained for his services certain lands in Tournay. When the place was afterwards given up, the orders from the King to deliver it into the hands of the French were directed to him. In 1522, he was knighted by the Earl of Surrey for his services at the taking of Morlaix in Bretagne, and was created Lord Russell in 1539.*

Lord Russell performed important services to the crown, and to his country. Besides having served with distinction at the taking of Tournay and of Morlaix, he was instrumental in negotiating with the Constable Duke of Bourbon, and was present at the battle of Pavia. He went twice again into France in a military capacity, and on the last occasion commanded the van-guard. For these services in various capacities he undoubtedly obtained very splendid rewards. He held the important office of Lord Admiral of England and Ireland. He was made Marshal of the Marshalsea, Lord Warden of the Stannaries in the counties of Devon and Cornwall, and Knight of the Garter. In 1540, on the dissolution of the monasteries, he obtained

* Mr. Burke has endeavoured to throw a slur upon the memory of the first Lord Russell, by saying that the first grant made to him by the crown was from the confiscated estate of the Duke of Buckingham. "Thus," he continues, "the lion having sucked the blood, threw the offal carcase to his jackal in waiting." We have seen that the first grant was not from a confiscated estate, but a grant in fee of lands at Tournay taken from the enemy. Nor is there any ground for the rest of the imputation. The name of Lord Russell does not appear in the list of those to whom the estates of the Duke of Buckingham were given. The grant of the manor of Agmondesham to Lord Russell took place eighteen years after the execution of the Duke of Buckingham. Mr. Burke has likewise endeavoured to represent the first Lord Russell as a minion of Henry VIII. probably resembling his master in character. There seems no foundation whatever for this aspersion.

Another charge of Mr. Burke is thus completely refuted by the Monthly Review: — "Calais was in the possession of the English about 300 years. Boulogne fell into their hands about the year 1544, Lord Bedford being one of the captors; yet Mr. Burke ascribes to the cession of Boulogne, which had been in the hands of England about six years, the fall of Calais, which had been safe nearly 300 years, without this 'outguard.'"

Monthly Review Enlarged, 1796, vol. xix. p. 318.

a grant of the rich abbey of Tavistock, and of a very large estate belonging to it. Three years afterwards he was made Lord Privy Seal. When a council was appointed to govern the counties of Devon, Cornwall, Somerset, and Dorset, he was named its president. And the King on his death-bed appointed him one of the sixteen executors of his will. In the same year he obtained, by a grant from King Edward, the dissolved monastery of Woburn.

The beginning of the reign of Edward the Sixth was disturbed by insurrections, which had their origin in a general inclosure bill; but were afterwards converted by the priesthood to a religious purpose. The rising which took place in Devonshire was one of the most formidable. The insurgents, joined by Humphrey Arundel, governor of St. Michael's Mount, demanded that the mass should be again performed, and half the abbey-lands restored. Lord Russell, who was sent against the rebels, was at first too weak to prevent their laying siege to Exeter. But having received reinforcements, he attacked and routed them at Fenniton Bridge. * Lord Russell took no part in the cabals of this reign. When a conspiracy was formed against the power of Somerset, he remained neuter, and did not join the party of Warwick, till Somerset had submitted, and asked pardon of his enemies. Three months afterwards he was made Earl of Bedford.

On the accession of Queen Mary, he was sent to Spain, to attend Philip to England. A few months after this, he died at his house in the Strand, on the 14th of March, 1555.

Francis, the second Earl of Bedford, was present at the battle of St. Quintin, and held many great offices under Queen Elizabeth. He married a daughter of Sir John St. John, sister to the first Lord St. John of Bletsoe. He was succeeded by his grandson, Edward, who died, without issue, in 1627.

The title then passed to the issue of Sir William Russell, the fourth son of Francis. Sir William was a person of considerable

* Hume, c. 35. Collins's Peerage.

talents and enterprise. In 1580, he was knighted for his services in Ireland. He afterwards went with the Earl of Leicester to the assistance of the Dutch. His conduct at the battle of Zutphen is thus quaintly described by Stowe. "He charged so terribly, that after he had broke his lance, he so played his part with his cuttle-axe, that the enemy reported him to be a devil, and not a man; for where he saw six or seven of the enemies together, thither would he, and so behave with his cuttle-axe, that he would separate their friendship."

He was afterwards Lord Deputy of Ireland, where he made himself very conspicuous for prudence as well as valour.

He took great pains to prevent the excesses of the army. He directed, by his general orders, that the soldiers should give money or a ticket for their diet; that there should be no charge on the country for more men than there really were; that they should not ask for more than a breakfast and supper; and that their quarters should be assigned by the civil magistrate. These regulations were well calculated to conciliate the lower orders. Had the court taken his advice, another measure which he recommended, would probably have gained over the nobility. He proposed that the lands of the church which had been confiscated, should be given equally to the leading men of both religions. Had the catholics accepted the spoils of their own church, it is evident they would have become attached to the government from which they had obtained them. On the accession of James, he was created Baron Russell of Thornhaugh. He died in 1613, leaving an only son, Francis, who, fourteen years afterwards, succeeded to the title of Earl of Bedford.

Francis, Earl of Bedford, engaged, in 1630, in the great work of draining the fens, in the counties of Northampton, Cambridge, Huntingdon, Norfolk, and Lincoln: these fens have since been called from him the Bedford Level.

He was the first of the peers who signed the famous petition in 1640, setting forth "the apprehensions they had of the dangers of the church and state, and to his person, and the means to prevent them; and advised the King to call a parliament, whereby the causes

of their grievances may be taken away, and the authors and counsellors punished."*

When parliament met he was the leader, in the House of Peers, of those who were for asserting the liberty of the subject; but at the same time, he would not consent to many of the violent measures proposed. Mr. Pym, who was member for the borough of Tavistock, followed a similar line in the Commons.

When the King admitted some of the popular leaders to his councils, he resolved to make the Earl of Bedford Lord High Treasurer, and Mr. Pym Chancellor of the Exchequer; but Lord Clarendon says the Earl was determined not to enter into the Treasury, till the bill for tonnage and poundage was granted for life; and he, with the rest of those who were first offered places, declined to take them, till the rest of their party should also be admitted to the confidence of the King.

When a discovery was made to the Earl of Bedford, Lord Say, and Lord Kimbolton, of a design, real or pretended, to bring the army from the North to London, such was their temper and moderation that they did not publish it; but contenting themselves with preventing its execution, the whole plot was kept secret till long after the Earl of Bedford's death.

And when Lord Strafford was tried, the Earl of Bedford told Lord Clarendon, that it was the rock upon which they should all split: that he had in vain endeavoured to prevail upon his friends to accept the King's offer, that Lord Strafford should be banished for life: and that he did not see how the King, who was firmly convinced of the injustice of the condemnation, could ever give the royal assent to the act of attainder. The Earl of Bedford died on the 9th of May, 1641. His character is thus drawn by Clarendon, a political enemy, at a time when these enmities were sharpest.

"The other accident that fell out during the time that the business of the Earl of Strafford was agitated, and by which he received much

* Whitelocke, p. 35.

prejudice, was the death of the Earl of Bedford. This lord was the greatest person of interest in all the popular party, being of the best estate, and best understanding, of the whole number; and therefore most like to govern the rest. He was besides of great civility, and of much more good-nature than any of the other. And therefore the King, resolving to do his business with that party by him, resolved to make him Lord High Treasurer of England, in the place of the Bishop of London; who was as willing to lay down the office, as any body was to take it up. And to gratify him the more, at his desire, intended to make Mr. Pym Chancellor of the Exchequer, as he had done Mr. Saint-John his Solicitor-general; as also, that Mr. Hollis was to be Secretary of State, the Lord Say Master of the Wards, and the Lord Kimbolton to be Lord Privy Seal after the death of his father, who then held that place. Others were to be placed about the prince, and to have offices when they fell.

"The Earl of Bedford secretly undertook to His Majesty, that the Earl of Strafford's life should be preserved; and to procure his revenue to be settled, as amply as any of his progenitors; the which he intended so really, that, to my knowledge, he had it in design to endeavour to obtain an act for the setting up the excise in England, as the only natural means to advance the King's profit. He fell sick within a week after the bill of attainder was sent up to the Lords' House; and died shortly after, much afflicted with the passion and fury which he perceived his party inclined to: insomuch as he declared, to some of near trust to him, "that he feared the rage and "madness of this Parliament would bring more prejudice and mis-"chief to the kingdom, than it had ever sustained by the long inter-"mission of parliaments." He was a wise man, and would have proposed and advised moderate courses; but was not incapable, for want of resolution, of being carried into violent ones, if his advice were not submitted to: and therefore many, who knew him well, thought his death not unseasonable, as well to his fame, as his fortune; and that it rescued him as well from some possible guilt, as from those visible misfortunes, which men of all conditions have since undergone."

William, the father of Lord Russell, succeeded to the earldom. The situation of affairs at this time might have disturbed the resolutions of the wisest heads. On the one hand, the King had provoked a civil war, and had he gained the victory, would undoubtedly have crushed for ever the rights and privileges of the people. On the other side, the parliament was becoming more and more averse to the kingly form of government. Between the two dangers with which the constitution was threatened, the Earl of Bedford seems to have steered a wavering and unsteady course.

He was at first Master of the Horse to the Parliament, and was greatly instrumental in gaining the battle of Edgehill, where he commanded the reserve.

But in 1643, being desirous of peace, he agreed with the Earl of Essex, the Earl of Clare, and the Earl of Holland, to make an effort for that purpose. They obtained a vote of the House of Lords, desiring a conference with the Commons, and declaring they were resolved to send propositions to the King. But the Commons refused to agree to their propositions, and such tumults were raised, that they did not consider it safe to remain in London. Upon this, the Earls of Bedford and Holland went to the King's garrison at Hollingford, but it was some time before they were allowed to go to Oxford. The Earl of Bedford then joined the army, and fought in the King's regiment of horse at the battle of Newbury. Being disgusted, however, with the treatment he received at Court, he returned with Lord Clare to the Earl of Essex, on Christmas-day 1643, having been only four months with the King's army. He was ordered into custody by the Parliament, and his estate sequestered. The estate was restored to him, however, after a few months, when the success of the Parliament had put them in good humour. He never afterwards sat in the Long Parliament, or concurred in any of their councils. He assisted in the conferences previous to the restoration, and at the coronation of Charles II., bore St. Edward's sceptre.

In early life he formed an attachment to Lady Anne Carr, daughter of the Countess of Somerset, so well known in history for her participation in the infamous murder of Sir Thomas Overbury.

The daughter, it is said, never heard of her mother's crime, till she read of it by chance in a pamphlet, and was then so affected with horror, that she fell down, and was found senseless with the book open before her. But though the guilt of her mother was not likely to influence her conduct in any other way, than by inspiring her with a more serious attention to the duties of morality, the Earl of Bedford with a natural feeling opposed their union, and it was said, that his son had leave and liberty to choose in any family but that. But as a strong mutual attachment subsisted, and Lord Somerset made great sacrifices to promote the marriage, every obstacle was finally vanquished, and Lord Russell, in the summer of 1637, received the hand of Lady Anne Carr. *

By her he had seven sons, and three daughters: viz.

1. John, who died an infant.

2. Francis Lord Russell, who seems to have been affected all his life with hypochondriacal malady, and never took any active interest in life. He died in 1678.

3. William, who became Lord Russell after his brother's death.

4. Edward, who lived to the age of seventy-two. He represented the county of Bedford in seven successive parliaments, and in the year 1700 was appointed Lord Lieutenant of the county of Middlesex, during the minority of Wriothesly Duke of Bedford.

5. Robert.

6. James.

7. George.

The daughters were:

1. Lady Anne, who died unmarried.

2. Lady Diana, married at the age of fifteen to Sir Grevil Verney, of Compton Verney, in the county of Warwick, and secondly to William Lord Allington, Constable of the Tower.

3. Lady Margaret, who married Edward Russell, Earl of Orford, her first cousin.

* Strafford's State Papers, v. ii. p. 2. 58. 86.

CHAP. II.

BIRTH AND EDUCATION OF WILLIAM RUSSELL.—LETTERS WRITTEN IN HIS TRAVELS.—LETTER TO HIS BROTHER.—FIGHTS A DUEL.—HIS MARRIAGE.

WILLIAM RUSSELL, the subject of this work, was born September 29. 1639. He is said to have been educated at the school of one Lewis; and a foolish story is told that this man, dressing up a dog, and calling him by the name of Charles Stuart, set the boys to try him in a mock court of judicature.*

Mr. Russell was sent with his elder brother to Cambridge, where they were put under the tuition of Mr. Nidd. A letter of this gentleman, dated in 1654, gives an account of their progress in logic, the Roman historians, and natural philosophy. When their university education was completed, the brothers were sent abroad, and appear to have resided some time at Augsburg. The two following letters, the one from Mr. Russell to some person unknown, and the other from Mr. Thornton to Mr. Russell, illustrate the manners of the writers, and of their age.

I copy these two letters, without any alteration in the spelling.

"It is not long agoe since I received two letters from you together, and soone after another, that seconded them (bearing date Novr 20^h) for which I give you many thanks, as likewise for the continuance of your friendship. By your last I understand that mine from this place, Geneva, and Lyons are come to your hands: truely we arrived at the last place in the luckiest time desirable for all sort of fine sights, divertisements and recreations, for the concourse of people was then soe great by reason of the Queene of Sweden's arrivall there, that the town was hardly able to contain them, for in the house where wee lodged there were above an hundred persons, most persons of qualitie, and many

* Kennet's Chronicle.

hansome Ladyes, soe that a nights we had dancing and towards the evening's bathing, wch truely is a very fine recreation: although the Ladyes have their faces masked, neverthelesse one may sometimes espye parts that doe not less add to their luster. I wished you a sight of it truely as well as of the Queene of Sweden, who surely deserves it if any woman does, I doe not meane for the beauty of her face, but for that Maiestie that appeares in it, as likewise in all her actions and comportments, which savour far more of a man than of a woman, which sex she resembles in nothing more than in her inconstancie, for in truth I conceive her to bee as weary of her new religion as of her old one, as is plainly seen by her postures, gestures, and actions at Masse, before which I think she would at any time preferre a good Comedie, and a handsome wittie Courtier before the Devotest Father. The rarities of Lyons are not many in number, but those that are we saw. We went to the Hospital (call'd de la Charité); it is one of the richest in all France, it feeding daily in the house above a 1000 persons, and without 15,000 (besides strangers), to whom every Sunday are distributed 6000 loaves, which come to 36,000 pound weight of bread. The granary is stored with corne for many yeares. Sir I told you in one of my fomer of our iourney to the Carthusian Monasterie, but not of the reasons that moved St. Bruno (a German by nation) to retire himself into that desart, and there to constitute this order, because I suppose you have read it elsewhere; but whatsoever his reasons were, sure it is that tis ye stricktest order among the papists, or rather imaginable, for what can there bee more strange than to see men in the flower of their age voluntarily to submit themselves to that kind of life where they are deprived of all the recreations and pleasures this world affords; for women are not permitted to go over their grounds, much lesse to enter their Convent, never eate flesh, (for although the eating of a bit of flesh would safe their lives yet they would not be permitted to do it,) are the most part of their days and nights in their church, never talke together but on Sundays and Holidays, and then noe longer than while they bee at dinner (wch doth not laste for above an houre), and enioye the sight of nothing but mountains and precipices, wch to be-

hold strike devotion into a man. I could inform you of many other particularities, in regard I rose in the night to see the ceremonies they used in the church, but it would require a volume: In short, I think they take more paines in going to Hell, than a good Christian doth in going to Heaven. Wee went from thence to Grenoble, and after three days' journey wee arrived at the gates of Geneva, where, while they were asking our names, country, and from whence wee came, I had leasure to see the place where the Savoyards attempted to take the towne by stratageme in the year 1602, and had scal'd the walls; neverthelesse were repulst with great losse and shame. In the Arsenal they keep the Colours that were taken from the Ennemie, scaling ladders (made after such a manner that they were carried behind the horsemen, being to bee taken to pieces,) and a petard, charged with the same charge t'was then, as Trophies of the Victorie. Soe that ever since they have kept very strickt watch, and let noe people come in without knowing who they are, a doeing of which they keept us soe long that I had time to looke upon their Armes, with their motto, which is at present *Post tenebras Lux* — before the Reformation it was *Post tenebras spero Lucem.* Wee had no sooner entered the towne but wee espied a wooden structure very offensive to the eye, and hinders a man from a view of the houses which are very well built for the most part, neverthelesse tis very convenient in hot and rainey weather. Geneva is very pleasantly situated, having vineyards and meadows about it, and a very fine lake, wherein are taken the best trouts that can bee eaten, and it's reported that Monsters have been seene in it not above water but under, which I first heard off as followeth:— Wee went to see the Librarie, (where there is a Bible written in French 400 yeares agoe, with many other rare Manuscripts,) which looketh upon the Lake, the bottom of which the mariners could not find with 500 fathom, tis reported that not far from thence a boat chanced to be cast away wherein there were bels, the which a man undertook to recover for same sum of money, to which place being gone with all his instruments and devices, but he had not been very long under water, but he pulled a cord (which was the signal when

they should pull him up), and when they had done soe he told them (being all frighted) that he saw the bells, but such horrid monsters by them in cavernes, that he thought if he went downe againe he should never come up again: which happened as he had said, for going down for the second time the cord was cut in two, and the man never heard of since. I tell it you the more credibly, in regard that the Minister who shewed us the College and Librarie said it had happened in his time. Sir, I thought to have given you some account of Augsburgh, but I see I have husbanded neither time nor paper, wherefore I must break off thus abruptly. In my nexte I shall not faile to tell you something of the place, and apologize for my scribbling. In the mean time I rest

" Sir,

" Your assured friend,

" WILLIAM RUSSELL.

" From Augsburg Decr 27—it is now very late at night—1656."

" Honble. Sir,

" Twice now hath ye sun (that perpetuall Traveller) completed his tour through ye 12 Signes, & returned to ye same point, (if I mis-remember not,) since I kissed y^{or} hands, & left you in ye sight of that military vessell that wafted you from England into a forrain soile. In lieu of wch losse (give me leave to call it so) I could not expect so rich a compensation as I have since received by your frequent & handsome letters. How proud I am of them, & what contentment they afford me, may be read (they say) plainly in my countenance every time a pacquet comes. I have two now to return you thankes for, viz. that of Apr. 3. st. n., & one that I received two houres agoe, dated ye 18th of ye same moneth, each of them fraught with choise descriptions & observations cloth'd in a style so free, masculine, coherent, exact, & every where like itself, that I profess (wthout flattery) the greatest masters of eloquence need not be ashamed to own it. To encourage you to proceed & out-doe your-

self, let me insert a passage out of a late Autho^r, (wch comes now to my mind,) viz. [that pens improve like children's legs, proportionally to their exercise: so y^t some have bin amazed at ye length of their own reach when they came to be extended by employment: as appeared in ye late King Charles; who, after his more imperious destiny had placed him under ye tutorage of an unavoidable necessity, attain'd a pen more majesticall than the crown he lost.] I think I hinted to you in my former, how much my Lord y^or father is pleased with ye perusall of yours to me, & often he sends for them to shew to strangers, who thereupo' do much congratulate ye happy successe he hath, & is like to have of y^or education. This last wch I received this afternoon hath given him (as well as myself) very acceptable entertainment, & your Lady mother too, who is but now beginning to come out of her chamber; shee took much notice of one particular, viz. that of ye Count of Avensberg's 32 sons, especially when shee heard they were so well provided for. I should have supposed they were not all legitimate, but that History tells me the German women are good breeders, and ye men not addicted to that vice of unchastity. I wish I had bin with you when you saw those various rarities in the Duke of Bavaria's pallace. I like extremely well that sentence under ye Emblem of Monarchy, (& so did my Lord when I interpreted it to him.) Some might do well to relate it to his Highnesse ye Ld Protectour, who, I beleeve, may subscribe to ye truth of ye first of the 3 already (for sure it hath cost him many a sigh to get to this altitude), & how soon he may to the other 2, retinendi, & amittendi, dies docebit. His finall answer was expected this day, but 'tis put off till to-morrow. We are all very much mistaken if he accept not ye Crown. And then 'twill be, As you were. Some oppositions have bin made by those fifth-monarchymen I mention'd in my last, who were taken in time with their armes & am'unition, & standard, &c. Since which time they were attempting again, and appointed a place of rendezvous, wch ye Protecto^r having secret intelligence of, sent Mr. Randall, (even Josua Randall, ye sober mad-man as he calld him,) whom he knew

to be trusty and resolute, wth a party of horse to take them. 'Twas about Epping in Essex; whither he got about midnight, & found them gathering into a body well arm'd and horsed: he divides his party, & falls upo' them on a sudden firing (with powder only) in their faces, wch so amazed them that they cryed quarter: & were about 60 taken (more than ye party that took them: ye rest escaped away,) & brought to White-hall by 6 of ye clock in ye morning, wth their hands bound behind them on their horse-backs, for wch good service my Ld Protecto^{r} hath an eye upo' him that may well make him expect farther p^{r}ferment. He might have had a good officer's place, if he would have gone with those forces that ar^{e} sent over to help ye French against ye Spainiard: but his wife kept him from accepting it: & I think he would not willingly leave her for any such designe.

" The letter you sent to yor uncle John, & that wch accompanied it with pictures for me, have not bin yet received: & I believe never will now: for it is 6 weekes since that wherein the flea-chain, & ye pictures of s^{e} German beauties were enclosed, came to my hands, for which I do again give you my very humble thankes. I have satisfyed many curious eyes with them already; & had I a few more such rarities my chamber would be resorted to like John Tredescant's. The truth is I have an ambition to obtain your two pictures in one way or other, wch Tho. Gregory puts me in hopes I shall. However, I shall treasure up y^{or} letters (those pictures of yor better part) & therewith entertain myself & others, till you appear in person to answer ye expectation that is rais'd of you. But give me leave to reinforce my former petition, viz. that you would please to gratify me with some account of what you do in order to yor keeping or encreasing yor knowledge in ye Latine tongue, (wch I beleeve you find ye benefit of every day more & more,) as also of what experiments or rarities, appertaining to Optiques, Geometry, Astronomy, or any other Science you have met with, seen, or heard of since your comming into Germany, & that you would please to hearken after such things for ye future. But I hasten. Yours to Mr. Hid and Mr. Knightbridge were delivered; & I expected one fro' Mr. Hid to you, but have not yet heard fro' him.

" Yo^{r} brothers p^{r}sent their service to you: but I cannot get them to doe it with their own pen. A word or two from you to mind their studies, would take much & be very acceptable to my Lord. You forgot to tell me in yor bro^{s} whether ye Coates of Armes I sent were according to yor mind, and whether you desire more.

" I should be very glad to be employed in any service I am capable to p'form for you. Let me conclude with a request to you to seek, & feare God above all; & with a request to God to own, direct, & sanctify you; which I pray for wth all my hart as ye unum necessariu'. And herein I am sure I answer ye title of

" Sir,

" Yo^{r} faithfull Servant,

" Ne sit mortale quod optes. IOHN THORNTON.

" I much wonder that you write English so true, wherein (for want of heed) you were formerly so much defective.

" Bedford-house,
May 7th s^{t} vet.
1657 die 4"

Mr. Russell spent the winter of 1658 at Paris; and it appears by a lettter to his cousin Mr. Henry Capel, that he did not escape the affectation common to young travellers, of using French phrases and words for things which may be as well expressed in English.

Having been attacked by a severe illness, he writes to Mr. Thornton. " I am recovered of an unruly sickness, which brought me so low that I was just at death's door: my prayers to God are to give me together with my health, grace to employ it in his service, and to make good use of this his visitation by the serious application of it."

These reflections are a proof of a religious disposition. But it was not till after his marriage that he applied himself with earnestness both in meditation and action to fulfil the duties of a Christian.

The following letter explains how he was employed in the year 1659, and is a proof of his consideration for those who had been attached to his person.

" Most Deare Brother,

" When I left you at Augsburg out of vexation to stay there soe long; I thought good to leave you the letter you find here, to bee given you in case I should miscarry, for to make myself known not to be ungrateful. I was moved to't, because I intended as then to have made a far longer journey from you then I did, as it fell out; for having heard that there were Commanders of Consideration of the King of Sweden's at Ulm, a leaging men, I thought I might have had a fine occasion by their meanes to make a voiage unto that armie, and afterwards give an account of it to my lord (who as I thought would not have been much against it when 'twas done), excusing it upon a distaste of Mr. Hainkofer's proceedings, and my inclination to the warres. But my designe succeeded quite otherwise: for when I came to Ulm, instead of finding the King of Sweden's officers, I found none but the Emperour's, wherefore it pleased God to make me take the resolution of staying there for your comeing till indede you came, which I was easily induced to by the tender love I bore you, which by the way let me assure you is still the same. The reason of my writing this for you at present is to let you know, that now since my coming over out of France I have opened and viewed these two letters, and altered them in some places as I have thought fit; and having reduced the quantitie of what I desire should be givin to 80l. sterling a year, the which summe I desire you, and moreover conjure you by the love that has ever bin between us, to see duely paid every year to Mr. John Thornton our tutor, and Fox Gregory our servant, during their lives, according as I have divided it between them. Written by mee, your most loving and affectionate Brother,

" Woburne Abbey, WILLIAM RUSSELL.
the 5 Decr 1659.
" The night before I went
up to London."

Upon the Restoration he was elected member of parliament for Tavistock. But the Court, which was then the abode of magnifi-

cence and gaiety, seems to have attracted his firstattention, and according to Bishop Burnet, drew him into some irregularities. Thus entangled in a Court life, he appears, by the two following letters to his father, to have been engaged in duels, the common practice of the age.

"My Lord,

"Although I think I have courage enough to fight with any body without despairing of the victory, yet neverthelesse knowing that the issue of combats depends upon fortune, and that it is not allwayes hee that has most courage and the justest cause who overcomes, but hee that is luckiest; and having found myself very unluckie in several things, I have thought fitt to leave these few lines behind mee for to expresse (in case I should miscarry) some kind of acknowledgement for the goodness Your Lordship has had in shewing mee soe much kindnesse above what I have deserved. I have the deepest sense of it in the world, and shall alwayes (during life) make it in my businesse to expresse it by my life and actions. For really, my Lord, I think myself the happiest man in the world in a father, and I hope (if I have not allready) I should at least for the future have carried myself soe as not to make Your Lordship think yourself unhappy in a sonne. My Lord, in case I miscarry (for without it I suppose this will not come to your hands), let me beg it of you to remember mee in the persons of those who have served me well. Pray let not my friend Taaffe suffer for his generous redinesse to serve mee, not only on this occasion but in severall other wherein he has shewed himselfe a very generous and kind frind to mee, therefore pray bring him off cleare, and let him not suffer for my sake. For my men, I doubt not but your Lordship will reward them well. For Robin, my footman, because hee has served me faithfully, carefully, and with great affection, and has lost a great deal of time with mee, I desire that 20 pounds a year may be settled on him during his life: and the French man I hope you'll reward very well, having served with care and affection. For my debts, I hope Your Lordship will see them paid, and therefore I shall set them down to prevent mistakes. I owe one hundred pounds, forty

pounds, and I think some 4 or 5 more to my Lord Brook: this is all I owe which I can call to mind at present, except for the cloaths and some other things I have had this winter, of which my man can give an account. I have not time to write any longer, therefore I shall conclude with assuring Your Lordship that I am as much as it is possible for one to be,

" My Lord,
" Your Lordship's
" Most dutifull Son
and humble servant
WILLIAM RUSSELL."

" Thursday Morn^e,
" July ye 2^d 1663.

" My Deare Lord,

" I have here inclosed a letter which I writ not long agoe upon the like occasion, and therefore shall say little now, being in hast, but only to assure you that I am of the same mind still, and think myselfe the happiest man alive in a father, and shall alwayes make it my businesse to be a dutifull sonne, tho' now I am forced to slip away without Your Lordship's privitie, but I hope you will not take it ill when it shall appear upon what account it is, and that honour commands me not to stay nor aske leave to goe.

" My Lord, I know it is not impossible for mee to miscarry, though I do not at all feare it, and therefore shall reiterate my supplications which I made in the inclosed, which is, that you will provide for my servants and see my debts paid, which are something increased since the last yeare by reason of my small allowance; to prevent mistakes I shall leave a catalogue of them. Between 60 and 70 pounds to my Lord Brook, some tradesmen's bills, of which my man can give an account. This being all I can say at present, I shall take my leave of you, and rest till death,

" My Deare Lord,
Your most dutifull and ever
affectionate sonne,
" WILL^M. RUSSELL."

" Mund. morning,
" Ap^l. 26. 1664.

"I forgot one debt, which is of one hundred pounds to Aldermian Backwell.

"Going for Portsmouth I have looked over this and ye inclosed, and find it soe sutable to sense, that I must desire you to agree to it in case I should dye before I come back. What's blotted out is pay'd. *

"WILL: RUSSELL."

A letter of Mr. Edward Russell, written about this time, mentions his brother's recovery from a wound he had received in an affair of honour, and rejoices in his escape without further hurt "from so adroit an adversary."

In a life of Lord Russell, published in 1684, it is said that he accompanied the fleet of the Duke of York in the first Dutch war. This is probably a mistake. Edward Russell, (perhaps his cousin, who was afterwards Earl of Orford,) was on this expedition, and his letter to Mr. Russell after the battle, excites a smile by its brevity and its postscript.

"Dear Sr From on board the Princ. the 2 daye of Jun.

"I must Confes i have bin to idell in not giving you thankes for all your kindnes, but i shall never forget to one them: i supose the discription of the fight will be in print as soune as my Letter Cumes to your hands. The Duke is myty kind to me, and will give me a shipe as soune as wee cum to an anchor in the river. Praye present my most humble services to my Ladey Maud,

"and i Rest your most Humble servant

"ED. RUSSELL.

"M^r. Digby and m^r nickolds is ded."

* In the lines blotted out, there appear several sums owing to himself.

It is uncertain when Mr. Russell first became acquainted with his future wife. She was the second daughter and coheiress of Wriothesly, Earl of Southampton, and widow of Lord Vaughan, the eldest son of Lord Carberry.

They were married in 1669. To the influence of this excellent woman we must attribute not only the happiness, but many of the most admirable qualities of Lord Russell. But I will not here attempt to paint her character. It may be known at once from the following letter.

"London, Sept. 23d, 1673.

"If I were more fortunate in my expression, I could doe myselfe more right when I would own to my dearest Mr. Russell what real and perfect happynesse I enjoy from that kindnesse he allowes me every day to receive new marks of, such as, in spight of the knowledge I have of my owne wants, wil not sufer me to mistrust I want his love, though I doe to merrit so desireable a blessing: but my best life, you that know so well how to love, and to oblige, make my felicity intire, by believing my harte possest with all the gratitude, honour and passionate affection to your person any creature is capable of, or can be obliged to; and y^t granted, what have I to aske, but a continuance (if God see fit) of these present enjoyments, if not, a submission without a murmur to his most wise dispensations and unerring providence, having a thankful harte for the yeares I have been so perfectly contented in. He knows best when we have had enough here: what I most earnestly beg from his mercy is, that wee both live soe as which ever goes first, the other may not sorrow as for on they have no hope; then let us cheerfully expect to be together to a goodold age, if not, let us not doubt but he wil support his servants under what trials he wil inflict upon them. These are necessary meditations sometimes, y^t we may not be surprised above our strength by a sudden accident, being unprepared. Excuse me if I dwell to long upon it, 'tis from my opinion that if wee can be prepared for al conditions, we can with the greater tranquillity inioy the present, which I hope

wil be long, tho' when we change 'twill be for the better, I trust, through ye merit of Christ. Let us dayly pray it may be so, and then admit of no feares. Death is the extremest evil against nature it is true, let us overcome the immoderate fear of it, either to our friend or selfe, and then what light hearts may we live with. But I am immoderate in my length of this discourse, and consider y^is is to be a letter to take myself ofe, and alter ye subject. I will tell you the newes came on Sunday night, &c."

The rest of the letter contains court and family news. Enough has been quoted to show that this excellent woman enjoyed the most perfect happiness with her husband. And as, according to Sir W. Temple, he was without tricks or private ambition, he was not likely to forego the tranquil enjoyment of his home for the bustle of public life, where (in the most favourable view of it) pleasure is not so unmixed, nor duty so obvious. Hitherto he had been a silent member of the House of Commons, though he had sate there for more than twelve years; and in all probability he would have continued through life an inactive representative, had not extraordinary events called forth the native energy of his character, never afterwards to sleep but on the scaffold. A view of the period when he first came forward in public will, I hope, satisfy the reader that no man could any longer keep aloof who valued the independence, the freedom, and the religion of England.

CHAP. III.

THE RESTORATION. — CLARENDON AND SOUTHAMPTON'S ADMINISTRATION. — THE CHARACTERS OF THE KING, THE DUKE OF YORK, AND THE CABAL. — DESIGNS OF THE KING AND DUKE. — TREATIES WITH FRANCE. — MISTAKE OF MR. HUME. — BEGINNING OF THE SECOND DUTCH WAR. — OPPOSITION IN PARLIAMENT. — TEST ACT. — SHAFTESBURY JOINS OPPOSITION. — HIS CHARACTER. — WAR BECOMES UNPOPULAR. — PEACE WITH HOLLAND. — RUIN OF THE CABAL.

THE restoration of Charles II. was hailed by all classes of people with unbounded joy. A change of opinion so complete has called forth a charge of fickleness against the English character from one of the lightest and gayest writers of a nation often reproached for levity and inconstancy.* It may, however, be more honourably accounted for; the revolution in the state, like some disorders in the body, had worked its own cure. The opposition which Charles I. made to his people, when asking for their legal rights, produced a party who set no just bounds to their pretensions. The king's violence became the cause of a civil war, and his insincerity prevented any hope of peace. On the other hand, the army which the people had been obliged to raise in defence of justice and freedom, finally overturned both by aiding the expulsion of the parliament, the execution of the king, and the elevation of Cromwell. But an authority so irregular could not long maintain itself in England, and the Protector was no sooner dead than the people openly showed their longing for the restoration of the ancient constitution. The artifices of Monk, and their own tumultuous joy, unfortunately hindered the nation from listening to those who advised them to secure the rights for which so much blood had been shed. The calamities of civil war were mingled in their minds with constitutional privileges.

In this temper the people willingly obeyed the voice of the royalists, and echoed the prejudices to which, twenty years before,

* Hamilton, Mémoires de Grammont.

they had refused a hearing. And though the king and his minister did not entirely abstain from acts of vengeance, no sympathy could be excited in favour of those who were looked upon as the authors of the late troubles. Yet in the joy of new power, the professions of the sovereign were plausible and constitutional. "I shall not propose to myself," he said, "any one rule in my actions and counsels, than this, 'What is a parliament like to think of this action or this counsel?' and it shall be a want of understanding in me, if it will not bear that test." *

For some years the prudence of Clarendon, who neither tried to make his master independent of parliament nor refused promotion to those who had raised themselves during the commonwealth; and the integrity of Southampton, who presided over the treasury with exemplary vigilance, preserved the balance of the government. But the death of the latter, and the disgrace of the former minister, gave free scope to the favourites and the inclinations of the king.

Charles II., in the station of a private gentleman, would have been universally liked. Few men had such captivating manners, and no man ever united wit and good-nature in society to a greater degree. He had a natural *good taste* which guided even his moral conduct, and prevented his becoming the oppressor of his queen, when he could not be constant to her; nor was his inclination for women gratified with so much contempt of virtue as of decency. His mistresses appear to have been all ready to err, even though their tempter had not worn a crown.† No unsuspecting innocence was betrayed; no conjugal felicity was destroyed by his amours. During the latter part of his life, he lived with women rather to indulge indolence than to gratify desire. His brother the Duke of York, and his son the Duke of Monmouth, had equal reason to be grateful for his indulgence.

* King's Speech.

† "If love prevailed with him more than any other passion, he had this for excuse, besides that his complexion was of an amorous sort, the women seemed to be the aggressors; and I have since heard the king say, they would sometimes offer themselves to his embrace." Reresby, p. 165.

Though the one was the cause of all his troubles, and the other helped to foment them, he was uniformly kind and affectionate.

But the cares and duties of a throne were fitted to expose the defects of Charles in the most glaring light. It was evident that he was indolent, false, unprincipled, and selfish. The most important affairs could not make him active; the most solemn engagements, true; the most shameful proposals could not rouse his pride, nor the affection of a great people induce him to sacrifice the least and lowest of his pleasures. He wasted a capacity for which the mighty cares of government afforded ample scope in the sciences of chemistry and mechanics which he could not forward; and he lowered the character of his country abroad, that he might establish a despotism at home.

It is certain that adversity had not improved the character of Charles. Surrounded by his father's old friends, who had suffered from a popular revolution, he learnt to esteem his own authority too highly, and to regard with suspicion and aversion the inclinations of his people. The want of money and of consideration abroad led him into a vagabond course of life, and obliged him to practise the arts of a courtier, when he ought to have maintained the dignity of a sovereign. Whilst those immediately about him persuaded him that he was king of England by Divine right, he could not go out of this narrow circle without encountering the rebuffs of Cardinal Mazarin or Don Lewis de Haro.

His residence in Scotland had disgusted him with religious fanaticism. He is said to have reconciled himself to the church of Rome at Paris some years before the Restoration; but, however that may be, it is certain that the little religion he possessed was Roman Catholic.

The character of the Duke of York was essentially different from that of his brother. Charles was quick, fickle, and indolent; James was dull, obstinate, and busy: the king was indifferent about religion, the duke was one of the greatest bigots that ever lived. The Duke of Buckingham described their characters very well in a few words by

saying, "Charles could see things if he would, James would see things if he could." *

Various relations have been given of the conversion of the Duke of York. He tells us himself, that he was converted by reading Hooker's Ecclesiastical Policy.† But, in fact, he could not fail to perceive that the Protestant religion was closely connected with freedom of opinion on other subjects, and that the Reformation was an example of resistance to ancient authority. Hence his preference of the Roman Catholic faith. Passive obedience was, in his opinion, the simple and sole duty of a subject to a sovereign. Such a political doctrine was the fit counterpart of a religious creed which acknowledged the infallibility of a living head. His opinions, formed from books, were confirmed by experience. He observed, when at Paris, that the English Catholics were generally royalists, whilst the Protestants were friends of Cromwell. It was impossible that a mind so formed could be satisfied with the state of England, and he never relaxed in his endeavours to introduce the religion of Rome, and the government of France. He often lamented that a great fault had been committed at the Restoration, in not making the crown for ever independent of parliaments. ‡ He regarded the Habeas Corpus act as a malicious trick of Shaftesbury to diminish the just power of the crown. § And he entered into the treaty of 1669 with a zeal as strong as it was blind.

Yet it must not be imagined that James was without virtues. He was kind to his friends, and naturally just and true in his commerce with the world. But his bigotry, joined with his unnatural position, blotted out his good inclinations. The countenance he gave to the judgment against Argyle; his assisting at the torture in Scotland; and his attending races in the neighbourhood, when Lady Lisle was executed, leave an indelible stain upon his memory. He seems, by these instances, to have merited the retort of Ayloffe, who, when James ad-

* Burnet, vol. i. 8vo. p. 214. fol. 169.
† Life of James, written by himself.
‡ Life of James.
§ Advice to his son.

vised him to make disclosures, for it was in his power to pardon, replied, "I know it is in your power, but it is not in your nature, to pardon."

The court of Charles II. carried the dissolution of morals to the greatest pitch. And the stage, at that time, united the profligacy of French, with the coarseness of English manners. It seemed as if the domestic character of the nation was about to undergo an alarming change: but the mass of the English gentry did not follow the example of their sovereign; and he who examined beneath the surface would have found the soil rich in honour and virtue.

The following persons were the chief favourites at court:

The Duke of Buckingham had been bred up with Charles when he was a boy, and he is accused by Burnet of having been the first to pervert his principles, when they were together at Paris. But the sovereign seems to have been fully a match for the subject. His love of wit continually led him into satirical remarks on the conduct of Charles, and Charles as often showed himself incapable of long resentment. Every one knows the admirable lines of Dryden and Pope, to which his character has given rise.

He was the avowed lover of the Countess of Shrewsbury; and it is said that she held his horse, in the dress of a page, whilst he fought with and killed her husband. Such are the exploits which illustrate the gallantry and gaiety of this famous reign!

Sir Harry Bennet, afterwards Lord Arlington, was a man of no great capacity, but extremely well fitted to his situation. He had great skill in foreign languages, joined with many accomplishments, and did not think any art beneath him which might serve to raise his fortunes. During a mission in Spain, he had corresponded with the king by means of a gentleman of the bed-chamber, without the knowledge of the Chancellor or the other ministers. After this, he became the decided enemy of Lord Clarendon, and did his utmost to stimulate the king against him. When he obtained power, he endeavoured to retain it by flattering the king's taste. He invited Louise de La Querouaille to his house at Euston, where, it is said, the King first

enjoyed her favours *; and he afterwards married his daughter, when only five years old, to the Duke of Grafton, the King's natural son by another of his mistresses.

Arlington was secretly a Catholic, but having observed the antipathy of the people to persons of that religion, he became their decided enemy, and was an object of their jealousy and hatred. Clarendon says, that of the affairs of England he knew no more than of those of China, and always cried up the French government. Of his manners and appearance we have different accounts. The grave and sober Clarendon represents him as agreeable and insinuating, whilst the lively Hamilton, agreeing with a well-known ballad, considers him as dull and mysterious, imposing on the world by an affected solemnity, and made Secretary of State on the credit of his countenance. † A black patch on his nose added much to the gravity of his appearance.

Sir Thomas Clifford, the son of a clergyman in Devonshire, had embraced the Catholic religion before the Restoration. He was rough, violent, and ambitious in his nature. He was first employed and advanced by Lord Arlington, and appeared very grateful for a subordinate place. But when he found that he had a chance of obtaining the Treasurer's staff, he told the King that Lord Arlington did not desire to have it, whilst he persuaded Arlington that he was pleading for him. "This," says Mr. Evelyn, "was the only great ingratitude he showed." ‡ He was the sole adviser of that scandalous expedient, the shutting up of the Exchequer. § He espoused, without measure or moderation, the interests of the Duke of York, and his imprudence, in this respect, became the cause of his disgrace, and soon after, of his death.

* Evelyn's Memoirs, vol. i. p. 419.

† Clarendon's Life, p. 181. 183. fol. Grammont, p. 122. quarto.

"Clarendon had law and sense,
"Clifford was bold and brave,
"Bennet's grave face was some pretence," &c. See Dryden's Works.

‡ Evelyn, p. 439.

§ Evelyn, p. 425. quarto. A report was current that Lord Shaftesbury was the author of that measure, which Dalrymple of course believes. Mr. Fox positively denies its truth, but on what authority I know not. Yet, if I am not mistaken, the question is satisfactorily discussed in the Biographia Britannica.

Lauderdale was a man formed to be the minister of an unprincipled king. His knowledge of Scotland, and his own inclinations, led him at first to favour the Presbyterians; but finding that court-favour was to be gained by an opposite conduct, he did not hesitate to execute a most bloody persecution for the purpose of introducing and establishing Episcopacy.

These ministers, together with Lord Ashley, afterwards Lord Shaftesbury, formed the council, "to all succeeding ages curst," under the name of the Cabal, which comprehends the initial letters of their names.

Their power, however, was not yet firmly established, and the king had not yet finally resolved to govern in direct opposition to the wishes of the nation.

1667. Great alarm had been raised by the conquests of Lewis XIV. in Flanders, and a book, written by the Baron d'Isola to refute the French pretensions, had increased the public ferment. In this conjuncture the King sent for Sir W. Temple, and by the advice of Arlington, and Lord Keeper Bridgeman, intrusted him with an embassy to the Hague. The consequence was, a triple alliance between England, Holland, and Sweden, to defend Flanders from any farther invasion.

1668.

But unfortunately the two objects of the King's predilection were those of his people's antipathy, France and Popery. With this disposition, he had proposed to enter into a treaty with France before he signed the triple alliance, and as soon as it was concluded he renewed his overtures.* But Lewis, probably thinking he should get better terms by affecting indifference, for some time declined to listen to them. Another circumstance brought the negociations to a successful or rather a disgraceful and unfortunate result.

The Duke of York had long wished for a formal reconciliation with the church of Rome. He proposed to his confessor to keep his conversion secret, and continue to profess openly the Protestant religion. But whether the consciences of Father Symonds and the Pope were really

* Dalrymple, App. p. 11.

scrupulous, or whether it be incompatible with the pride and policy of the papal see to accept of an unavowed conversion, the fact is certain that both the confessor and the Pope informed James that it was contrary to their precepts to allow ill that good might come. In this dilemma James applied to his brother, who acknowledged that he also felt uneasy at the restraint he was under in respect to religion. They had a solemn meeting in consequence, on the day of the conversion of St. Paul, when Charles proposed, as he and his brother were then in the full strength of life, to begin immediately a great work. It was agreed between them to profess openly the Catholic religion, and to attempt by means of an army the setting up an arbitrary monarchy. But as foreign aid was necessary, they determined to apply to the King of France for assistance.* Their overtures were most favourably received; and after some negociation, the Duchess of Orleans met her brother at Dover, in order to conclude the alliance. The event was a treaty, of which one article is so remarkable that it deserves to be inserted entire.

1669.

1670. May 22. "Article 2.† The King of Great Britain is convinced of the truth of the Catholic religion, and resolved to make his declaration of it, and to reconcile himself with the church of Rome, as soon as the affairs of his kingdom shall be sufficiently established to permit him. He has every reason to hope, and to be persuaded from the affections and from the fidelity of his subjects, that none of them, even of those on whom God shall not have yet so abundantly shed his grace as to dispose them by this august example to be converted, will ever fail in the inviolable obedience due from all people to their sovereigns, even of a different religion. Nevertheless, as there appear sometimes turbulent and restless spirits, who endeavour to disturb the public tranquillity chiefly when they can conceal their evil designs under the plausible pretext of religion, His Britannic Majesty, who has nothing more at heart (after the repose of his conscience) than to establish that which the mildness of his government has procured to

* Life of James, p. 440. et seq.

† From an original in the possession of Lord Clifford. Rose, Obs. on Mr. Fox's work, p. 45. The project of the article, as given by Dalrymple, App. p. 55. is not materially different.

his subjects, believes that the best means of preventing it from being disturbed is to be assured, in case of its being required, of the assistance of His Most Christian Majesty, who being willing, on this occasion, to give the King of Great Britain indisputable proofs of the sincerity of his friendship, and to contribute to the full success of a design so glorious, so useful to His Majesty, and even to the whole Catholic religion, has promised and promises to give, for this purpose, to the said King of Great Britain, the sum of two millions of livres Tournois, of which half shall be paid three months after the exchange of the ratifications of the present treaty, &c. and the other half three months after. And further, the said Most Christian King binds himself to assist His Britannic Majesty with troops to the number of six thousand, if necessary, and even to raise and maintain them at his own cost and expense as long as the said King of Great Britain shall judge them to be necessary to him for the execution of his design. And the said troops shall be transported by the ships of the King of Great Britain to such places and ports as he shall judge most fit for the good of his service; and from the day of their embarkation shall be paid as aforesaid, by His Most Christian Majesty, and shall obey the orders of the King of Great Britain. The time of the said declaration of Catholicism is left entirely to the choice of the said King of Great Britain."

It is impossible to read this article without indignation at the unprincipled ambition, the shameless venality, and the cool hypocrisy of Charles. For the sake of public tranquillity, an army of Frenchmen was to be introduced into England to force the nation to embrace a religion they detested! The holy name of God is used for the purpose of sanctioning the subjugation of a free people by the assistance of a foreign power! Such was the return which a king of the house of Stuart thought fit to make to a country which had received him with unlimited confidence.

Several circumstances may tend to convince us that the intention of Charles in forming this treaty was almost entirely political. In a mind like his, sentiments of devotion are always subordinate to the calls of pleasure or convenience. After the treaty was made,

he feigned so many scruples, and invented so many pretexts for delaying his public conversion, that Lewis soon perceived his insincerity, and ceased to require it. His motives for entering into the treaty are thus explained by Colbert de Croissy, who signed it. "Charles," he writes, "said that he would still augment his regiments under the most specious pretexts he could devise. He told me he was pressed both by his conscience and the confusion he saw daily increasing in his kingdom, to the diminution of his authority, to declare himself a Catholic; and besides the spiritual advantage he should draw from it, he believed it to be the only means of re-establishing the monarchy." *

The Duke of York, though much more earnest in his religion, seems also to have been chiefly intent on changing the form of government. He told the French ambassador that he believed a king and parliament could exist no longer together; and that they ought not to have recourse to the latter, till the war and the Catholic faith had come to an happy issue, when they should be in a condition to obtain by force what they could not gain by mildness. †

Such was the project formed by Charles and James as soon as they escaped from the control of Clarendon and Southampton. It was to oppose this project that Lord Russell left the tranquillity of private life, and without any ambition to distinguish himself either as a speaker or a leader, did not hesitate to involve himself deeply in political contentions.

An endeavour to prevent the objects of this treaty from being attained, guided his conduct in life, and was finally the cause of his death. If we wish to estimate the value of his exertions, let us imagine the ravagers of the Palatinate admitted into this country by the treachery of its sovereign, and executing the designs of a native tyrant with the zeal of a foreign enemy. We shall then have reason to be grateful that some were found who opposed, from their commencement, the measures of the King's government.

The other parts of the treaty were for the advantage of Lewis.

* Dal. App. p. 32, 33. † Dal. App. p. 80. July 14. 1671.

The King of England agreed to assist France in a war to be undertaken against Holland, for which he was to receive 3,000,000 of livres.* It had been long the darling object of Lewis XIV. to crush his republican neighbour. He confessed to some of the most intimate of his courtiers, that he had been anxious and uneasy on this subject for three years, and that he had made the most advantageous offers to the King of Spain and the Elector of Brandenburg to obtain no more than their neutrality in this war.† But both those sovereigns seem to have considered the independence of Holland essential to the safety of Europe. Even Charles had endeavoured to delay the war with Holland till the internal affairs of England were settled. It was chiefly in order to obtain the priority for the war, that Lewis had sent the Duchess of Orleans to Dover, accompanied by Louise de la Querouaille, whose charms were successful in captivating the King. Yet in the autumn of this year he still hesitated.‡

In the mean time, other intrigues had been pursued by the ministers of the two courts. Buckingham, aware of the inclinations of his master, but ignorant of the secret treaty which had been concluded, entered into a negociation with France by means of Sir Ellis Leighton. The King took advantage of this step to sign a treaty more calculated to meet the public eye than his secret engagements.

In this, which was called the sham treaty, the sum granted for the King's declaring himself a Catholic was disguised under the form of a subsidy for the first year of the war. Some of his most favoured ministers were deceived by this artifice. Indeed the part taken by the members of the Cabal in forming this alliance was by no means equal. Clifford and Arlington conducted the secret negociation; Buckingham formed the second or sham

* Besides this, the treaty contained an engagement on the part of Lewis not to attack the King of Spain, in return for which Charles agreed to support any future pretensions he might have to the Spanish crown. Burnet says, incorrectly, that the annexation of Hamburgh to Denmark, and of Genoa to Savoy, were stipulated by this treaty. That part which related to Hamburgh was struck out by the King of France, and the plan of subjecting Genoa to Savoy has been reserved for later times.

† Anquetil. Cour de Louis XIV. t. i. p. 212. Pelisson. ‡ Dal. App. p. 61.

treaty, to which Lauderdale gave a ready, and Ashley a reluctant consent.*

Mr. Hume, not having had access to the papers published by Dalrymple before he wrote his history, has fallen into errors on the subject of this treaty, which he did not afterwards take the pains to correct. He represents the scheme of introducing arbitrary power and the change of religion into England, as the design of the ministry called the Cabal. He enters into a full description of their views, and proves that the end they pursued was blameable and pernicious, and the means they were to employ impolitic and imprudent. After the publication of his history, however, he discovered from Dalrymple's papers, that only two of the five counsellors who formed the Cabal, Arlington and Clifford, were admitted into the secret of the King's engagements. And this confidence was placed in them, together with Lord Arundel and Sir Richard Bealing, because they were Roman Catholics. We might have expected that Mr. Hume would then have altered his view of this period, and described the scheme of establishing arbitrary power as a design of the King, confided to his popish counsellors. But instead of this, he merely inserts the correction in a note, and endeavours to reconcile it with the text by saying, that in the sham treaty there was virtually involved the assuming absolute power in England; for the support of French troops, and a war with Holland, could mean nothing else. The support of French troops was not, I believe, stipulated in the sham treaty, and a war with Holland surely does not necessarily imply absolute power in England.

Sir John Dalrymple, with a more complete knowledge of the fact, has more deeply entangled himself in error. He tells us, "All parties in England concurred in condemning the second Dutch war; the Tories, because they thought they were removed from power to make way for it; and the Whigs, because Charles made the heads of their party the instruments of it at first, and intended in the end to sacrifice them to

* "Ashley Cooper asked time to consider." Dal. App. p. 69.

it." * Every one who has read the history of Charles II. knows that at this time there were neither Whigs nor Tories; that those whom Sir John Dalrymple calls Tories were not removed in order to make way for the Dutch war; and that Charles did not make the heads of those whom he calls Whigs the instruments of it at first, nor intended in the end to sacrifice them to it. The only colour for this passage is, that Shaftesbury, who was properly a popular leader, afterwards became eminent amongst the Whigs, and that Buckingham, who properly belonged to the court, was for some time in opposition.

January. 1672. The King still wanted money, however, to begin the undertaking. This was obtained by a mode suggested by Sir Thomas Clifford. † The King's revenue had hitherto been farmed out to bankers, to whom he allowed eight or ten per cent. for advancing the money before the taxes were received. On a certain day the Exchequer was shut, and all payments stopt, a measure equivalent to seizing a million and a half of other men's property. ‡ Another expedient was, attacking the Dutch Smyrna fleet as it passed through the Channel, though the peace still subsisted. It was right and fitting that a war, undertaken to suppress liberty and in violation of justice, should begin by a fraudulent bankruptcy and a perfidious aggression. §

For some time, Charles seems to have been successful in deceiving his parliament as to his real intentions. He had obtained from them a subsidy, under the pretence of supporting the triple alliance which was used to crush one of its members. He was thanked for allowing the laws to be put in force against dissenters, when, in fact, he had encouraged the violent churchmen to persecute, that indulgence

* Dal. Rev. of Events, &c. p. 36. † Evelyn. Vide p. 27. of this work.

‡ Burnet. Cobbett's Parl. Hist. vol. iv. p. 1166.

§ Speaking of the gallant and generous Ossory, Mr. Evelyn says, "One thing more let me note, that he often expressed to me the abhorrence he had of that base and unworthy action he was put upon of engaging the Smyrna fleet in time of peace, in which, though he behaved himself like a great captain, yet he told me it was the only blot in his life, and troubled him exceedingly. Though he was commanded, and never examined further when he was so, yet he never spoke of it without regret and detestation." V. 1. 491.

might afterwards be more acceptable to the sufferers. To complete his success he had raised troops, and appeared attended to the House of Parliament by his new guards, being the first instance, in history, of the sovereign's entering upon his legislative functions under the protection of the sword. *

But it was not to be expected that the King's practices with France should remain entirely secret. Colbert de Croissy communicated the intelligence to the French minister in Holland, by whom the information was made use of to induce Sweden to renounce her faithless ally. Puffendorf, the King of Sweden's minister, carried the story to De Witt, who we may readily believe confided the intelligence to other ears besides those of Temple. Reports of the most alarming nature were spread in England; and the nation saw with regret that the triple alliance was abandoned, in order to open the way for French ambition. Nevertheless it is probable that the parliament would have enabled Charles to prosecute the war against Holland, perhaps to her ruin, had he not precipitated his measures, and endeavoured to promote the second object of the alliance before the first was gained.

March 15. 1672. A few days before the declaration of war, he published an indulgence to dissenters and popish recusants, dispensing with the penal laws in force against them. He thought that having already secured the church party †, who, with a servility not unusual to them, supported the views of the court, he should by this step gain the dissenters; but so contrary to his hopes was the event, that the dissenters publicly desired their interests might not be considered by the House of Commons. An address was voted, declaring that penal statutes, in matters ecclesiastical, cannot be suspended, but by act of parliament. Clifford attacked this vote violently in the House of Lords; but Shaftesbury, who had been made chancellor expressly to affix the great seal to the declaration, spoke in favour of the Commons ‡; and the King, after saying in his first speech, "I tell you plainly,

* Feb. 14. 1670. Ralph.

† Echard.

‡ It was during this debate that the Duke of York, alluding to Shaftesbury, is reported to have said, "Brother, what a rogue you have of a Lord Chancellor." To which Charles replied, "Brother, what a fool you have of a Lord Treasurer."

gentlemen, I mean to stick to my declaration," was obliged, a few days after, to cancel it. Nor was this all: the Test Act was the offspring of the jealousy he had awakened, and it was no sooner carried into a law, than the Duke and Clifford, the two firmest pillars of prerogative, were removed from their offices.

From this time we may date the origin of the party to which Lord Russell henceforward belonged. There are persons who think the name of Party implies blame; who, whilst they consider it natural and laudable that men should combine for any other object of business or pleasure, and whilst they are lavish in bestowing their confidence on government, which must in its nature be a party, find something immoral and pernicious in every union of those who join together to save their country from unnecessary burdens or illegal oppression. To such persons Lord Russell's conduct must appear indefensible.

But to all those who allow that party may sometimes be useful, and opposition often even necessary, I may safely appeal for the justification of his conduct. To overthrow a scheme so formed as that of Charles and James, it was not sufficient to give honest, but unconnected votes in the House of Commons. It was necessary to oppose public discussion to secret intrigue, and persevering union to interested combination: it was necessary to overlook the indiscreet violence of partisans, to obtain the fruits of the zeal from which it sprung: it was necessary to sink every little difference in the great cause of the Protestant religion, and our ancient freedom: in fine, it was the duty of the lovers of their country to counteract system by system, and numbers by numbers. It may likewise be remarked, that the manner in which this party opposed the crown, was characteristic of the nation to which they belonged. In any of the continental monarchies, a design on the part of the king to alter the religion and the laws of the kingdom would have been met either with passive submission, insurrection, or assassination. For in those countries, men who did not dare to speak the truth to their sovereign, were not afraid to take up arms against him. But in

England, the natural and constitutional method of resisting public measures hurtful to the liberty or welfare of the people, is by a parliamentary opposition. This was the only opposition which Lord Russell and his friends ever thought of adopting; and they did it under circumstances extremely discouraging, for they could expect little support in a parliament chosen in the heat of the Restoration, and still less assistance from a press restrained by the curb of a Licence Act.

The individuals who made themselves most conspicuous amongst the country party were, Lord Russell, Lord Cavendish, Sir W. Coventry, Col. Birch, Mr. Powle, and Mr. Littleton. Of the first, the subject of this work, Burnet says, "Lord Russell was a man of great candour, and of a general reputation; universally beloved, and trusted; of a generous and obliging temper. He had given such proofs of an undaunted courage, and of an unshaken firmness, that I never knew any man have so entire a credit in the nation as he had. He quickly got out of some of the disorders into which the court had drawn him, and ever after that his life was unblemished in all respects. He had from his first education an inclination to favour the non-conformists, and wished the laws could have been made easier to them, or they more pliant to the law. He was a slow man, and of little discourse; but he had a true judgment, when he considered things at his own leisure: his understanding was not defective, but his virtues were so eminent, that they would have more than balanced real defects, if any had been found in the other." Lord Cavendish, an intimate friend of Lord Russell, had more quickness and talent, and was a very accomplished scholar. He maintained, through a long life, an ardent love of freedom, of which he gave proofs on many occasions. Sir W. Coventry was the model of a country gentleman, open, honest, and sensible, not swayed either by ambition or animosity. Col. Birch spoke with force and vehemence, and was an excellent debater for a popular assembly, though his language retained somewhat of the roughness of his early habits. Before the civil war he had been a carrier.

Powle was very learned in parliamentary forms, and Littleton had more than any other person of his time that command of historical knowledge, and that skill in argument, which are necessary to form an able speaker of the present day.

The opposition at first proceeded in a very cautious manner. They agreed to vote a subsidy of 600,000l. for eighteen months, which was increased to 1,200,000l. by the treachery of Lee and Garroway, two of their party. * And when at the end of the session a petition of grievances was moved, it touched only on some irregular taxation, and some abuses in the conduct of the army, without mentioning the war, the ministry, or the shutting up of the Exchequer. The opposition reaped the benefit of their moderation. During the recess the misfortunes of the war made it very unpopular; trade suffered, and the army became both expensive and oppressive. The consequence was, that when parliament met, and the King asked for fresh grants of money, a long debate took place; a cry of grievances came from every side of the house; the iniquity of the war, the sufferings of commerce, the danger of religion, were ably urged; and the supplies were finally refused. Shortly after, the Commons addressed the King, for the second time, to put a stop to the Duke of York's marriage, which had not yet been consummated, voted the standing army a grievance, and were going to attack the Duke of Lauderdale, and other evil counsellors, when the King suddenly prorogued them.

October, 1673.

It is not uncharitable to suppose, that the recess, which lasted about two months, may have been employed in attempting to gain the Commons by private means. A negotiation with Holland was undertaken, probably with the view of satisfying the public mind, and with no farther design than an order, which was given about the same time, for excluding all Papists from St. James's palace and park. The Chancellor was dismissed.

* Marvel seems to allude to this story, when he says,

"Till Lee and Garroway shall bribes reject."

Lord Shaftesbury has obtained a character both in history and in poetry for the possession and the abuse of great talents; and it is but fair to add, that there never was a statesman, against whom more unfounded charges have been brought. When not more than twenty-one years of age, he offered to Charles I. a plan of pacification with his people, and being accepted, he tried it with success at Weymouth, of which he obtained possession, and was appointed governor. But Prince Maurice having broken the terms agreed upon, he joined the parliament, and continued a zealous republican till the Restoration, in which he had an important share. He had gone all lengths with Charles, except being a party to the secret French treaty; but observing that the King, notwithstanding his advice, was not resolute in maintaining the declaration, and that in case of an enquiry he should be an obvious mark for the parliament, and an easy sacrifice for the King, he suddenly changed his tone, and embraced the popular side.

His remarkable sagacity, his readiness in counsel, his boldness in action, and his peculiar skill in adapting his language to the character of those with whom he conversed, gave him an influence with the party that he joined which cannot be sufficiently lamented. His talents, undoubtedly, added weight to the scale in which he threw them, but his hot and restless temper betrayed his associates into measures which prudence cannot justify. And the splendid abilities of Shaftesbury were not able to supply the want of consistency, sincerity, and honesty, without which no public man can obtain in England the confidence of the people either for his party or for himself. His connection with Lord Southampton, (being married to his niece,) which first brought him into the ministry, now served to draw closer the ties of political union with Lord Russell.

It is to be remarked to the honour of Shaftesbury, that though in the secret of every party, he never betrayed any one; and that the purity of his administration of justice is allowed even by his enemies.

The parliament met on the 7th January, 1674, and no time was lost in making it resound with the grievances of the nation. On the 22d it was resolved to proceed to the redress of grievances, and to the removal of evil counsellors. An address was also voted to the King, desiring the militia might be ready to be called out in twenty-four hours to protect the country from popery, to which request his majesty graciously acceded. On this day Lord Russell * made his first speech. From the short notes of it which have been preserved, it appears that he complained of the shutting up of the Exchequer, and the attack on the Smyrna fleet. He accused the ministers of receiving pensions from France, but declared, that he wished not their ruin but our security. The Commons next resumed the affairs of the Duke of Lauderdale; and it having been attested by four members that he had declared that the King's edicts were equal with the laws, and ought to be obeyed in the first place, an address was carried to remove him from His Majesty's presence and councils for ever. After a long debate, in which Lord Russell took a part, a similar address was voted against the Duke of Buckingham, who had proposed the second alliance with France, and had obtained a pension from France for the Countess of Shrewsbury. On this occasion the Duke made two speeches in the Commons, one of which he concluded with these words: "If I am a grievance, I am the cheapest grievance the Commons ever had." In the course of his examination, Buckingham accused Lord Arlington of having advised the attack on the Smyrna fleet, and other odious measures. On this account articles of impeachment were drawn up against Arlington, and he was brought into the Commons and questioned, as Buckingham had been, if he knew of any design against the liberties of the people, who advised raising an army, declaring war without consulting parliament, attacking the Smyrna fleet, &c. But his cautious answers, or rather the personal influence of Lord Ossory,

* He was at this time properly Mr. Russell. But as he was virtually the eldest son, owing to the indisposition of his brother, and as he is commonly known by the title of Lord Russell, I shall venture to call him so from the time of his first entrance into public life.

saved him from the vengeance of the House, and all farther proceedings were dropped.

The King now found it was hopeless to attempt the continuance of the war. He was fully aware that the French alliance was unpopular with the nation: he had formed it with the knowledge that he and the Duke were the only persons in the kingdom who were friendly to Lewis; and he had in vain attempted by shutting up coffee-houses*, prosecuting for seditious language, and controlling the course of justice, to suppress public opinion. Though a free utterance was denied, the opinions of a people so bold and generous as the English, could not fail to reach the ears of government, however deaf, and to influence the decisions of the House of Commons, however subservient. The Parliament refused supplies, the French King declined to advance a million of livres extraordinary, for which Charles had asked, and Spain threatened to declare war. An overture from Holland at the same time deprived the King of any further pretence for hostility. Under these circumstances he yielded to necessity, and graciously asked the advice of the House of Commons upon the expediency of making peace. They voted an address immediately afterwards, requesting that all troops raised since January 1st, 1663, might be disbanded. With this desire the King complied, and as soon as the peace was concluded, he prorogued the Parliament.

Thus, in the space of less than four years, the alliance with France was broken, and the troops by which Charles had hoped to make himself absolute, dispersed. The declaration for indulgence had been recalled, and a precedent against the dispensing power established, which in the next reign was to be a bulwark of liberty and religion. †

* He issued a proclamation to suppress coffee-houses, which the judges declared to be legal, on the ground that the act for settling the excise, in which coffee was not included, gave a power of refusing licences to those who could not find security for the payment of the duties. A sufficient proof, if any were wanting, that judges dependent on the Crown were always ready to pervert the law. The proclamation was soon recalled.—Marvel, p. 69.

† See the trial of the bishops in the State Trials.

But what was still more important, perhaps, the ministers of the Crown were struck with a salutary dread, and the King had no longer a council to whom he could confide his pernicious machinations.

Of the five members of the Cabal, Clifford was displaced by the Test Act; Arlington, finding himself in danger, became a decided enemy of Popery and the French *; Buckingham and Shaftesbury were excluded from the King's councils, and were converted into popular leaders. There remained only Lauderdale, whose pride and austerity, added to the distance of his government, made him proof against the resolutions of the Commons.

In consequence of the removal of Clifford and Shaftesbury, the staff of Lord High Treasurer was entrusted to Sir Thomas Osborne, soon afterwards created Earl of Danby; and the seals were given to Sir Heneage Finch, afterwards Earl of Nottingham.

* In June this year (1674), Lewis the Fourteenth writes to James, that Lord Arlington and parliaments are unuseful; and James returns for answer, that Lord Arlington and parliaments are not only unuseful, but dangerous.—See Coleman's Letters.

CHAP. IV.

PROROGATION FOR FOURTEEN MONTHS. — TEMPLE'S ADVICE TO THE KING. — A PARLIAMENT. — LORD RUSSELL MOVES AN IMPEACHMENT AGAINST LORD DANBY. — NON-RESISTING TEST BILL. — MOTION FOR A DISSOLUTION OF PARLIAMENT. — FAILS OF SUCCESS. — ANOTHER LONG PROROGATION. — MOTION ON THE DANGER OF FLANDERS. — LETTER OF LADY VAUGHAN TO LORD RUSSELL. — ADDRESS FROM THE COMMONS. — ANGRY ANSWER OF THE KING. — PROROGATION.

As soon as Charles had prorogued the Parliament, he entered into fresh intrigues with the court of Versailles; and humbly asked pardon for the peace he had lately concluded, excusing himself on the necessity of his affairs. Lewis, on the other hand, was urgent to obtain a prorogation of Parliament, lest Charles should be forced into a war against him. The King of England willingly came to terms, and for the sum of 500,000 crowns was glad to dispense with the presence of the Commons for fourteen months.* In order to comply in appearance with the public wish, a mediation between France and Holland was resolved upon; and Sir William Temple, whose honest character was universally esteemed, was named to give credit to the embassy. On his arrival at court, he had a private audience with Charles, in which he endeavoured to convince him, that it would be impossible to assimilate the government of England to that of France; and after various arguments, drawn from the situation of the two countries, he attempted to reconcile him to a limited authority by the saying of Gourville, a Frenchman, much esteemed by the King, that a king of England who would be the man of his people would be the greatest monarch in Europe: but if he tried to be more, he would be nothing. Charles, who had heard him with some impatience at first, seeing it was necessary to dissemble, pressed his hand and said, "And I will be the man of my people."†

February, 1674.

* Dal. App. 99. † Temple's Works.

He soon afterwards connected himself more closely with France, and betrayed to her ambassador all the information he received from Temple. *

April, 1675. The chief business upon the meeting of Parliament, related to the large body of English troops which were still allowed to serve with the French. The Commons could obtain no more than a promise, that they should not be recruited. In the debate, Sir T. Lyttleton said, "The King ought not to be in such a mediation as may leave the King of France a terror to all the world."

Soon after the meeting, Lord Russell accused the Earl of Danby of mismanagement at the Treasury, and of having said at the Council Board, that a new proclamation was better than an old law. He concluded by moving an address to remove him from the King's presence, and that articles of impeachment should be drawn up against him. In the course of the debate, Sir C. Harboard expressed his surprise, that so young a man, and a country gentleman, should pretend to understand the treasury. The articles of impeachment were delivered the next day by Sir Samuel Barnadiston; but, upon a division, they were all rejected. Marvel says the Earl got off by high bribing. The articles contained charges of very different degrees of importance; the Earl being accused, in one, of the high crime of using the power of general warrants, to intimidate a witness in a suit at law; and in the next, of the trivial offence of having obtained an office in Ireland, the duties of which he had not time to perform.

A bill for voiding the election of members of parliament who accept offices, was at this time brought into the Commons, but was rejected. A bill for making it treason to levy money without consent of Parliament, and another to secure the personal liberty of the subject, were also introduced. But the grand affair of this session was the non-resisting Test Bill, which, although it was never in the House of Commons, yet being of paramount importance, deserves some notice in this work. It may serve as an excuse for the insertion that

* Dal. App. p. 109.

Lord Bedford was "so brave in it, that he joined in three of the protests." * It is also worth relating, as a specimen of the manner in which a bill, unfavourable to liberty, is resisted in its progress through an English House of Parliament. According to Mr. Locke, who published, under the direction of Lord Shaftesbury, the history of these debates, the Church and Cavalier party were determined, this session, to carry a law which should place their adversaries at their feet, "and as the topstone of the whole fabric," he says, "a pretence shall be taken from the jealousies they themselves have raised, and a real necessity, from the smallness of their party, to increase and keep up a standing army; and then, in due time, the cavalier and churchman will be made greater fools, but as arrant slaves as the rest of the nation." The oath which was now brought into the House of Lords had been introduced as a restraint upon the dissenting ministers in the Five Mile Act, some years before, and the penalty was by 17 Car. II. increased to 40l.; yet very few submitted to take it. † It had been afterwards proposed as a general test for members of parliament and placemen, but rejected in the House of Commons. It was in these terms:

"I, A. B. do declare that it is not lawful, upon any pretence whatsoever, to take up arms against the King; and that I do abhor that traitorous position of taking arms by his authority against his person, or against those that are commissioned by him in pursuance of such commission: and I do swear, that I will not endeavour, at any time, the alteration of the government in church or state. So help me God."

The former part of this oath, down to the word "commission," is to be found in the Corporation Act. ‡

The Lords in opposition allowed the bill to be read a second time, but when it was to be committed, they raised a debate which lasted five days; and in the course of this time they signed two protests.

* Locke. See Cobbett's Parl. Hist. vol. iv. Appendix.

† See Memorial of God's last Twenty-nine Years' Wonders in England, 1689, by Sheriff Bethel.

‡ 13 Car. 2. st. 2. c. 1.

When the bill came into a committee, every part of the proposed engagement was opposed. It was divided logically into a declaration, and an oath, or the declaratory and promissory parts. Of the declaration, it was said that it was an idle question at best to ask if arms can in any case be taken up against a lawful prince, because it necessarily raises a question in every man's mind, how there can then be a distinction left between absolute and bounded monarchies, if limited kings have only the fear of God and no fear of human resistance to restrain them? To the next clause, namely, "I do abhor that traitorous position of taking arms by his authority against his person," it was objected, that it could only be intended to revive old jealousies, and repeal the Act of Oblivion; for, excepting the case of the Long Parliament, those who had used the King's name against his person, had generally been his friends, as in the reign of Henry the Sixth. And the old Bishop of Winchester replying, "that to take arms in such cases was not against, but for the person of the King," he was told, that he had better have left it upon the old oath of allegiance, than have made such a wide gap in his new declaration. Upon the words, "or against those that are commissioned by him," it was said, the King might authorise the act of soldiers who should enter a man's house, and distrain for illegal taxes, and by this law, the subject would be deprived of his right of defence. Hereupon were inserted, the words "commissioned by him according to law, in the time of rebellion or war." Next came the promise, of which the first part was, "not to endeavour any alteration in the government of either church or state." It was objected, that an oath to maintain the government of the church did away the King's supremacy. To which the Bishops answered, that priesthood, and the powers thereof, and the authorities belonging thereunto, were derived immediately from Christ: but the licence of exercising that authority and power, from the civil magistrate. And being asked by the Lord Wharton, whether they did not claim a power of excommunicating their prince, they at first evaded the question, and then said they never had done it. Upon the part which forbade any endeavour to make

any alterations in the government, arguments of such force were urged, that the supporters of the bill were obliged to save the rights of Parliament by a proviso. But upon a remark of the Earl of Bolingbroke, that though the freedom of debate was preserved, members of parliament were by this oath prohibited, by speech or writing out of parliament, from endeavouring any alteration or amendment of the laws, the ministers told the committee, in plain terms, that they intended and designed to prevent caballing and conspiracies against the government. The members of parliament who refused to take the oath, were made liable to a penalty of 500l.

After seventeen days' debate, the bill passed the House of Lords. The most pressing objection to it, during all this discussion, was offered by Lord Halifax, who said, that as no man would ever sleep with open doors, though all the town should be sworn not to rob, so the state gained no security by oaths; and their only effect was, to disturb or exclude some honest, conscientious men, who would never have prejudiced the government. To consider for a moment the terms of this bill, it seems to have been one of the wildest projects ever set on foot by an encroaching power. That a king should at any time violate the personal liberty of his subjects, and make himself odious by acts of violence, shows in him a want of true wisdom as well as of humanity. But that Charles should have submitted to the choice of his people a law declaring themselves slaves; that he should have exposed to the open discussion of his parliament, dogmas which will not bear examination; and that he should have attempted to bind all his subjects by a general declaration, which would have been forgotten upon the first instance of individual oppression, is indeed astonishing. This weak attempt proves that he did not yet understand even that narrow system of government of which his favourite Davila is the historian, and Catharine de Medicis the most perfect model.

Both parties were afraid of trying their strength upon this bill in the House of Commons. The obstacles it had encountered; the changes it had undergone; and above all, the spirit it had roused in the most tractable of the two houses, appeared to augur ill for the

party who favoured it. On the other hand, the strength of the Court and the prevalence of bribes excited great apprehensions in those who opposed it. At this critical moment, the Lords summoned Sir John Fagg, a member of the lower House, to appear before them, on an appeal brought by Dr. Shirley. Whether this case arose incidentally, or whether it was the intention of Lord Shaftesbury to make a quarrel between the Houses, it seems to have effectually answered the purpose of arresting the progress of the non-resisting Test Bill. On June the 9th, the King was obliged to prorogue the Parliament. Another session took place in the winter, but soon came to an end, in consequence of a renewal of the dispute between the two Houses. The sum of 300,000l. was granted, but appropriated very strictly to the building of ships; being one of the earliest instances, in our history, of a regular appropriation of money voted by the Commons. The most remarkable motion of the session, was one made in the House of Lords, for an address to the King to dissolve Parliament. The Duke of York, and a majority of the temporal peers, were for it; but the question was decided in the negative, by the Bench of Bishops voting against it. * From this time the Country party, as well as many good patriots unconnected with them, seem to have wished for a dissolution. The House of Commons had now sate fourteen years, and during that time, had been modelled, in a manner before unknown, to the purposes of the Court. Not less than a third of the members were placemen or pensioners. † Lord Clifford had introduced ‡, or more probably extended, the practice of buying downright one man after another. Many of the more indigent class trafficked their votes for a dinner at Whitehall, and a gratuity on extraordinary occasions. Others had the expenses of their elections defrayed from the Treasury. And it was common for those who had been chosen on popular grounds, after a few violent speeches, to sell themselves to the Court. Placed beyond the fear of the people, by the long continuance of

* Burnet.
† Marvel. See also "A Seasonable Argument for a new Parliament."
‡ Temple.

the Parliament, they were encouraged in the hope of riches and promotion, by the increasing corruption of the government. Nor was it only from the venal that the danger to liberty proceeded. The House consisted in a great part of the old parties of Cavalier and Roundhead. The former, to use a quaint expression of the time, "being almost past their vice, were become damnable godly *;" and the latter dreaded nothing so much as religious persecution. The Court emissaries playing upon these passions, promised alternately to the one party a bill against fanatics, and to the other freedom for Dissenters; by which means they persuaded the former to be active in the cause of royalty, and the latter to be passive in the defence of freedom. But the nation had almost forgotten these distinctions, and had been roused from the torpor which succeeded the Restoration, by the unpatriotic conduct of the King and his brother. A course of life insulting to the moral as well as the political feelings of his people had not a little shaken their love for the reigning sovereign; but an attachment to foreign interests, and the profession of an odious religion, had excited the strongest aversion to the presumptive successor to the throne. In the hope of gathering some advantage from this disposition, the country party did not fail to urge a dissolution in the next session of Parliament: but their efforts, as we shall soon see, produced no favourable effect.

February, 1676. The King, on his side, endeavoured to dispense with parliaments altogether. He made a new treaty with the King of France, which contained the usual stipulations of neutrality on the one hand, and pension on the other. At this time he was so utterly abandoned by his subjects, that he did not dare to trust even his ministers with his engagements. He wrote the treaty with his own hand, and confided himself entirely to no one but Lauderdale. † The French minister wrote to his master, that in all England there were but the King and the Duke of York who embraced his interests

* Tracts. Letter signed T. E. (by Lord Shaftesbury.)
† Dal. p. 103.

with affection; and that the King himself, without this new treaty, might have been drawn into the sentiments of his people. The money received from France enabled the King to dispense with a parliament for fourteen months. When it met, doubts were started concerning the legality of its sitting, founded on the law of Edward the Third. * But in the House of Peers, Lords Shaftesbury, Salisbury, Wharton, and the Duke of Buckingham, who insisted on these objections, were sent to the Tower; where Lord Shaftesbury, who alone refused to make a submission, was confined for a whole year. In the House of Commons, a motion of Lord Russell, that to solve all doubts, and quiet apprehensions, an address for a dissolution should be carried to the throne, failed of success. In all probability the session might have passed away quietly, had not news arrived of the defeat of the Prince of Orange, and the taking of Cambray and St. Omer. The alarm excited by this intelligence produced an address for the preservation of Flanders. The King replied in general terms, that the preservation of Flanders was of great consequence, and that he would employ all the means in his power for the security of his kingdom. Upon this, the Commons sent up a second address, in which they assured His Majesty they would support him in a war with France, should he be obliged to undertake it.

Feb. 15. 1677.

Charles had now an excellent opportunity of reconciling himself to his parliament, and increasing his own power. But his secret inclinations for France prevented his taking advantage of it, and he coldly answered, twelve days after he received the address, that he

* It is ordained, by 36 Edw. 3. cap. 10., that a parliament shall be holden every year, therefore the prorogation for a term longer than a year was void in law. But a parliament must be either sitting, adjourned, prorogued, or dissolved, and this being none of the three former, must be the latter. It was objected, that the law was altered by an act of Charles I., but this was repealed by an act of 16 Car. 2. c. 1., by the words of which, parliaments were not to be discontinued above three years "from and after the determination of the present Parliament." Therefore the act of Charles I. being repealed, and that of Charles II. not yet in force, the old law of Edward remained in full vigour. The whole argument has more ingenuity than force in it. See "The Long Parliament dissolved:" "Considerations whether a Parliament be dissolved by a Prorogation of fifteen Months," &c.

must have money to enable him to put the kingdom in a state of defence. A demand for supplies before he had given any sign of an intention of going to war, was surely premature; but the Commons, eager for war, gave him to understand that they were preparing a bill for 200,000l. The King, however, said this sum was too little, and that he could not comply with their desires with less than 600,000l. The Commons did not choose to grant so large a sum in the absence of a great part of their members, and asked for an adjournment, which was immediately complied with. On the same day the King gave his consent to several acts, amongst which was one for abolishing the writ *de hæretico comburendo.* Lord Russell was absent during the last-mentioned debates. The following extract of a letter from Lady Vaughan, inclosing a copy of the King's message, shows with what zeal she laboured to satisfy his wish for political news.

" April, 1677.

" I have stayed till past eight, that I might have as much intelligence as I knew how to get. Spencer promised to be here this evening, but I find him not in my chamber, where I expected him at my coming home, for I have spent the afternoon with my sister, Alinton, and by all our travels could not improve my knowledge, as I extremely desired to doe, that I might entertain your deare selfe the better by this letter, and soe could have bin content to be to-morrow morning, as ignorant as I was this, for all my endes and designes in this world are to be as useful and acceptable to my Mr. Russell as I can, to deserve better if I could the deare and real kindnesse, I faithfully believe his goodnesse suffers me to enjoy. My cousin Spencer is just come; the inclosed paper I copied from one Lord Alinton gave me last night; 'tis the King's message to the House yesterday: this day the debate held till 4 o'clock, and the result of it is, you have ordered a second addresse to thank His M—— for taking into consideration your first, and to desire he would, if he please, pursue what in that they desired; and that they might not be wanting, they have added a clause (if the King accepts of it) to the money bill,

that gives him credit to use two hundred thousand of that money towards new alliances, promising, if he doe see cause to lay it out, to repair it to him againe: this, as Sir Hugh Cholmondeley says, is not pleasing at court: expectations were much higher: the Lords have not agreed with the Commons, they desire to have it put in the bill, they should receive an account as well as the Commons; that House was in a way of agreeing, and the Speaker pressed it, till after three hours debate, he told them suddenly he had mistook the thing, that he knew the House nice upon money matters, and the Lords had only a negative in money concerns, and this seemed an affirmative; so put it to the question, but would not divide the House, tho' if they had, the ayes would have carried it. I believe to-morrow at 2 is a conference with the Lords."

When the Commons met again, after an adjournment of near five weeks, it was expected that the King had made some alliances to save Flanders; but instead of this, he again asked them for money, and gave them his royal word, that they should not repent any trust they would put in him for the safety of his kingdom. Whilst he was using this language to his Commons, he was busy in negociating for more money with the French ambassador; and the higher the passions of the Parliament for war, the greater the price that he asked for his neutrality. His pledging his royal word in Parliament was evidently only an artifice to procure money, and has been justly styled by Mr. Hume, "one of the most dishonourable and scandalous acts that ever proceeded from a throne." *

May 23. The Commons, suspicious of the King's sincerity, and observing that he spoke always in general terms, at length requested him to make an alliance, offensive and defensive, with Holland, for the preservation of the Netherlands: but Charles gave a very angry answer; declared their address to be an interference with his prerogative of making peace and war; and put an end to the session.

* Hume, vol. viii. p. 32.

Those who watched with jealousy the behaviour of the King, might easily perceive that he was still in his heart attached to France. He had entered into the wars against Holland without any assurance of support from his Parliament, and he had much more reason to expect it in a war undertaken entirely in compliance with the inclinations of his people. As for the charge against the Commons, of invading the prerogative, it was utterly groundless. They had not declared war, or put any force upon the King to oblige him to do it: they had only given their advice; and to refuse them this power, were to deny to the great council that right which is the basis of our free government.

This doctrine has scarcely been called in question in later times; and it seems to be allowed that the Commons may freely offer their advice upon the exercise of any part of the prerogative.

CHAP. V.

MARRIAGE OF THE PRINCE OF ORANGE. — MISSION OF LORD DURAS TO PARIS. — MEETING OF PARLIAMENT. — SPEECH OF MR. SACHEVEREL. — MOTION OF SIR GILBERT GERRARD, SECONDED BY LORD RUSSELL. — HESITATION OF THE KING. — HE CONCLUDES A SECRET TREATY WITH FRANCE. — GENERAL PEACE.

THE minister, who had succeeded to the power of the Cabal, was Sir Thomas Osborne, afterwards Earl of Danby. He had got the Treasurer's staff upon the resignation of Clifford, and soon eclipsed Arlington in the royal favour. He was himself of the old Cavalier party, had been foremost in the prosecution of Lord Clarendon, and now made it the chief object of his administration to raise and strengthen the prerogative. The projects for enlarging the King's authority had hitherto failed of success. The Dutch war and the Non-resisting Test Bill had been arrested in their progress by the opposition raised in Parliament. Charles was too sagacious not to perceive, that the suspicions of his religion and of the French alliance had been the chief causes of his failure; and therefore readily gave into a scheme calculated to remove both obstacles at once. This was the marriage of the Prince of Orange to the eldest daughter of the Duke of York. So early as 1674, Lord Arlington had been sent to Holland to offer this match, with a proposal, at the same time, that the Prince of Orange should assist Charles against his rebellious subjects.* But the Prince of Orange at that time waved the subject; saying, with respect to the demand for aid, that he could not think the King of England could be so ill-beloved or so imprudent as to need such assistance. The first motion was now made by himself to Temple, who sent a verbal message by his wife to Lord Danby. It was not proposed to the King till two months after, and the Prince did not come to England till the end of September.† Even at this time the

April, 1677.

* Temple's Works, vol. ii. p. 294. † Danby's Letters.

King continued his secret transactions with France. In August he had concluded a treaty, by which two millions of livres were to be paid him; and, at the very moment of the Prince's arrival, he wrote orders to Montague, his ambassador, to get this sum increased to 200,000l. *

The favourite argument of Montague on these occasions was, that France had gained six millions additional revenue by her conquests in Flanders, in which it was but just that Charles should share, as accessary by connivance. †

When the Prince of Orange arrived in England, he refused, with admirable spirit, to enter into any negociations concerning the terms of peace till the marriage was concluded. This refusal, and the opposition offered by the Duke of York, had nearly prevented the match, but the King suddenly submitted; and these nuptials, so auspicious to the future liberties of England, were immediately celebrated.

The terms of the peace were then agreed upon between the King, the Prince of Orange, Lord Danby, and Sir William Temple. The King was to communicate them to France, and the Prince of Orange to Spain. Upon the question being asked, who was to carry them to France, Lord Danby said it must either be Sir William Temple or himself; and as he could not be spared, Temple was named. He was to give the court of Versailles only two days for an answer; and in case of a refusal, the King was immediately to join the confederates. But the day before Sir William Temple was to go away, the King sent for him, and, with some confusion, told him that he had changed his mind, and would send some other person with the propositions. Temple, instead of being angry, expressed great joy at this news. The King then pretended to consult him about the person to be sent, and said, "What think you of Lord Duras?" (Lord Feversham.) Temple agreed that he would do very well. Notwithstanding this appearance of asking advice, the appoint-

* Montague's Letter to the King, October 12. in Danby's Letters.

† Danby's Letters.

ment had been settled that morning with the Duke of York, and the instructions were of a nature that would hardly have pleased Sir William Temple. Lord Duras was ordered to offer the terms which had been concerted with the Prince of Orange, and to assure Lewis, that without them the Prince did not conceive Flanders could be left in any possibility of defence: — that Lewis, having always professed that he did not mean to conquer Flanders, and Charles having told his Parliament and people that he would not see it lost, he feared that if any farther conquests were made, he could no longer resist the humour of his people, which was violently bent on its preservation: — that he was obliged to call a Parliament in April, on account of a great branch of his revenue, which determined at Midsummer; and he saw no hope of getting it renewed, if they should find Flanders in a worse state than they left it: — that the Parliament, as His Most Christian Majesty well knew, had already forced him to a peace with Holland, and might now drive him into a war with France, if the terms he offered were not accepted: for the Prince of Orange was resolved to take no less, and the other allies desired more. *

The instructions themselves were to be shown to Lewis, or his minister, if Lord Duras should think proper; and finally, no time was fixed for his return, and he was only desired to obtain the judgment of the King of France upon the terms. The French monarch was not a person to be won upon, by appealing to his generosity. The sum of his answer was, that the terms were by no means reasonable, and that Charles might as well cut off his legs and then bid him walk. † The Prince of Orange and Sir William Temple were the dupes of this negociation. Charles, instead of joining the confederates, as he had promised to do, only revoked a proclamation, by which, in pursuance of his secret engagements with Lewis, he had adjourned Parliament till April. At the same time, he sent Mr. Montague, who had lately come over to England, to renew the propo-

* Instructions to Lord Duras in MSS. at Longleat. See Appendix.

† Lord Danby's letter to the Prince of Orange.

sitions for peace, and represent, still more strongly, the necessity he should be under of declaring war against France, if peace was not instantly concluded: he begged His Most Christian Majesty to call to mind how much inconvenience he had suffered by parting with so many sessions of Parliament in discontent, and that a longer resistance to the wishes of his people would be attended with danger to his very being and crown: he therefore hoped his good brother would not consider the parting with a town or two for the sake of him who had so far forfeited his interest in his three kingdoms, to keep his friendship with him, an unreasonable demand: he concluded with declaring, that if Flanders should be lost, such disorders would probably ensue, both in the minds of his subjects in general, and in Parliament in particular, as would be of more damage to him than all the conquests His Most Christian Majesty had made could be of advantage to him.*

These instructions clearly show that Charles was determined to hazard every thing but the loss of his crown for the maintenance of the French alliance.

Such a voluntary humiliation on the part of a King of England as the above language implies is extremely difficult to conceive. But whether his father's fate had inspired him with a distrust of Parliaments, or a long exile had extinguished every spark of attachment to his country, it is but too evident that he chose to depend on France as a natural support, and to treat his people as a foreign enemy.

But even this degree of meanness did not now avail him. Lewis stopped his pension, and prepared for continuing the war with Holland. In this extremity Charles revoked his proclamation, and was obliged to meet his Parliament.

At the beginning of the year 1678, the elder brother of Lord Russell died. He seems to have been long affected with hypochondriacal malady.

1678. When Parliament met, on the 28th January, the King in his speech informed them of the Dutch alliance and the

* Secretary Coventry's Instructions in MSS. at Longleat. See Appendix.

marriage of the Prince of Orange, and told them that he expected a plentiful supply. But the popular party, with some reason, suspected his sincerity. They feared that Charles and Lewis were still in concert, and that when the supply was given the war would be allowed to languish, and the money used to subdue the people of England. They even apprehended that when the army should be in sufficient number to keep the country in awe, the leaders of opposition would be arrested.* These suspicions were strengthened by the authority of Algernon Sydney, who being lately returned from France, was readily believed when he declared his conviction that it was all a juggle, and the two courts in complete confidence.† On the question of a supply, therefore, much jealousy was expressed, and complaints were made that the treaty had not been laid before the House. Mr. Sacheverell, a member of Opposition, still more clearly showed the opinions of his party by the following parallel:—"12 Edw. IV. The ministers pursued this practice. A war, and an alliance was made with the Duke of Burgundy in all haste; and when that was done, the ministers found it a fine game to receive pensions from the French, and raise money at home, and always were in haste; and they must have money from the Parliament for this war, to save Burgundy from the French: but all Burgundy was lost by it.‡ What end can our ministers now have in not showing us these articles, but their being conscious to themselves (who made the French alliance) that they are faulty?"

The supply was agreed to; but the jealousy of opposition produced an address desiring that His Majesty would admit of no peace which should leave the French King a larger territory than he possessed by the treaty of the Pyrenees. This, together with various other terms laid down in the address, provoked Charles to rebuke the Commons, and with some reason, for affixing new conditions to old promises.

* Dal. App. p. 136. † Burnet, vol. i. fol. p. 539.; vol. ii. 8vo. p. 180.

‡ He alluded, probably, to the 13th Edw. IV. 1473, when that king invaded France in defence of Burgundy, but immediately consented to a peace. Burgundy was not lost, however, till some years afterwards.

However, he accepted of the supply, notwithstanding the provisions with which it was clogged.

The country running headlong into the scheme of a French war, the next aim of the country party was, that the war should be a *bonâ fide* war, and that the direction of it should be taken out of the hands of those of the ministers who had been pensioned by France. It was only by such means that the nation could be secured from a sham war which would soon be concluded, and leave the army at the King's disposal.

March 14. Pursuant to these views Sir Gilbert Gerrard moved, on the 14th March, to address His Majesty to declare war against the French King. Lord Russell followed in these words: "The gentleman that spoke last has made a good motion. I hope in time we shall justify ourselves from the aspersion that we did not give the money sooner. I would set the saddle on the right horse, and I move that we may go into a committee of the whole House, to consider of the sad and deplorable condition we are in, and the apprehensions we are under of popery and a standing army; and that we may consider of some way to save ourselves from ruin." The motion for a committee of the whole House was carried; but a proposal to petition for the removal of those who had advised the answer to the address of the preceding May, was negatived, on a division, by a majority of five. The original address was then carried.

Sir John Reresby informs us that several speeches were made in the House on this day, fraught with jealousies and fears: nor was this wonderful. Lord Danby was at this time endeavouring to obtain money from France for his royal master; and he himself informs us in his letters, that every thing sent to the French ministers was known in England in ten days. *

The Commons, in their address, took notice of the money bill which had passed, and prayed the King to declare war, and recall his ambassadors from Nimeguen and from France: "That Your Majesty being

* Danby's Letters.

"publicly disengaged from acting as a mediator," they continue, "or "upon such terms and conditions as were then proposed, Your Ma-"jesty may enter into the war to no other end, than that the said "French King may be reduced into such a condition, as he may be no "longer terrible to Your Majesty's subjects; and that Christendom "may be restored to such a peace as may not be in the power of the "French King to disturb." * No one will deny that such a proposal was just and reasonable. In fact it was no other than one which had been made to the King by Temple several months before, and on the rejection of which he had refused the embassy to Holland. † Had it even now been adopted, there can be little doubt that the popularity of government would have risen to a height that might have swept away every obstacle. The party in Holland, which reproached the Prince of Orange with the faithlessness of Charles, would have sunk before this proof of his sincerity, and the King of England would have appeared in his proper station, directing the energies, and disposing of the revenue, of a powerful nation, against her inveterate enemy. But such glory was not the sphere of Charles. Amidst all the changes and inconsistencies of man, it may be remarked, that there is seldom, if ever, a transition from duplicity to candour, and from base intrigue to honourable conduct. Charles had navigated too long in creeks and shallows, to venture with boldness and resolution upon the open sea. The address of the Commons was sent to the Lords for their concurrence, and was suffered to lie on their table. The King took no notice of it, and gave no proof of his sincerity in the cause of the allies. Mr. Hume, in one place, endeavours to justify his conduct, on the ground that his father had been led into a war, and then denied the supplies necessary to carry it on. ‡ But if this is any defence for Charles, how much more reasonable were the suspicions of the Commons, who, only seven years before, had voted a supply to support the triple alliance, at a time when a peace was made secretly with France.

* March 15. † Temple's Works, vol. i. folio, p. 457. ‡ Vol. viii. p. 24.

In the course of this month Lord Russell received the following note from his wife, indorsed by him "March y^e — 1677-8, while the House was sitting." I know not to what it refers.

"My sister being here tells me she overheard you tell her Lord "last night, that you would take notice of the business (you know "what I mean) in the House: this alarms me, and I do earnestly "beg of you to tell me truly if you have or mean to do it. If you "do, I am most assured you will repent it. I beg once more to "know the truth. 'Tis more pain to be in doubt, and to your sister "too, and if I have any interest, I use it to beg your silence in this "case, at least to-day."

"R. Russell."

An adjournment of the Commons now took place: the negociations with Holland and France were renewed; and the Prince of Orange was obliged reluctantly to consent that Valenciennes, Tournay, and Condè, should remain in the hands of France; terms which he thought destructive to the safety of Europe. In proposing these terms to France, Charles asked for six millions of livres for himself for three years, as the price of his good offices. Lewis, finding that the confederates had consented to such low terms, which showed they had no reliance on the professions of the King of England, resolved to make the most of his advantage. He ordered his ambassador at Nimeguen to publish a declaration, insisting on still more favourable conditions of peace, and insinuating an understanding with the King of England. Charles was really provoked, at finding himself thus outwitted, at the expense both of his money and his character: but confidence is not the creature of a day. When he attempted to make a treaty with Holland, her ambassador, after a preliminary negociation, owned he had no powers to conclude. Parliament, when they met, acted with the same distrust. The treaties having been laid before them, they were voted to be not pursuant to the addresses of the House, nor consistent with the good and safety of the kingdom. A peevish vote, as Sir William Temple calls it, on the subject of religion was carried;

and after some close divisions, addresses were voted to remove evil counsellors, generally, and the Duke of Lauderdale by name. This was, in other words, an address for a change of ministry. The King replied, that the address was so extravagant he would give it no answer; on which the Commons voted, by one voice, in a full House, that the King's message, lately sent to them, for a supply to pay off the fleet, should not be observed.* Parliament was upon this prorogued for ten days. This quarrel with the Commons seems to have made Charles determine to close the breach with France, which he had taken care not to make irreparable.

May, 1678.

He now concluded a formal treaty. He accepted six millions of livres for himself; but he refused to put his name to the conditions, that he should disband his army and prorogue his Parliament. The royal conscience was completely relieved, however, when it was expressed, that he should receive the money upon disbanding the army and proroguing the Parliament. To such a quibble was all his virtue reduced! † He was, however, allowed to retain 3000 troops for Ostend, and after long discussion, 3000 more for Scotland. The Parliament was to be prorogued for four months. ‡

May 27.

When the Parliament met, the King told them that events had driven things violently on towards a peace, but he was resolved to save Flanders, either by a war or by a peace; and therefore desired to keep up his army and navy. The Commons prayed

May 21.

* Reresby.

† Dal. p. 165.

‡ He endeavoured to employ Sir W. Temple in this negociation; but that upright man was so offended, that, after evading the employment by feigning sickness, he retired to his house at Sheen, and wrote to the Lord Treasurer, to offer his resignation of his embassy at Nimeguen, and an abandonment of the promise he had received to be Secretary of State. Barillon. Dal. App. p. 170. Temple's Works. Temple tells us, that he heard on good authority, that the King expressed such indignation at one article of the private treaty, proposed by Barillon, that he said he never would forget it as long as he lived. Swift, who edited Temple's Memoirs, tells us, the article proposed was, that Charles should never keep above eight thousand men of standing army in the three kingdoms, and that Charles said in a rage, "God's fish! does my brother of France think to serve me thus? Are all his promises to make me absolute master of my realms come to this? or does he think that a thin to be done, with eight thousand men?"

him to declare immediate war, and upon his refusal, voted that the army should be disbanded; but the King, finding that he had money to pay the troops, retained them for some time longer. The rest of the summer passed in new preparations for hostilities, and new jealousies on the part of the Commons. Sir John Reresby tells us that the rumour of war was revived in June, but that he often saw the King, the Duke, and Barillon together at the Duchess of Portsmouth's, laughing at those who believed it. *

It is melancholy to record the general results of this session. A needless burden of 600,000l.; a standing army, not only useless but dangerous; pensions received by the King from France, and a peace concluded abroad, leaving Flanders exposed to a hazard, from which, after so many successful wars, it has not yet been relieved. Such are the bad effects to the nation of being governed by a King in whom his parliament can place no confidence.

The various events of the negociation at Nimeguen; the artificial difficulties raised by the French; the embassy of Sir William Temple, and the mission of Du Cros; are more fit subjects for general history than biography. Perhaps I have already detailed too minutely the progress of public affairs. But the conduct of the party to which Lord Russell belonged could not be explained, without presenting a view of the times; and it will be presently seen, that his own character has been attacked upon the ground of his behaviour during a part of this session.

* Reresby, p. 207.

CHAP. VI.

DISCOVERIES OF DALRYMPLE. — ROUVIGNY'S INTERVIEWS WITH LORD RUSSELL.

I HAVE hitherto postponed an account of the interviews between Lord Russell and the French minister, because, from the manner in which this subject has been treated, the narrative will necessarily be mixed with controversy.

Many years have elapsed since Sir John Dalrymple communicated to the world the discoveries he had made in the *depôt des affaires etrangères* at Versailles. The intrigues between the courts of France and England, which had already been partly detected by means of Danby's letters, which were openly detailed in a work published at Paris in 1682 *, and which, since that time, have been recorded by all historians, could create little surprise. But the connection of Sydney and Russell with France excited, as might be expected, astonishment, sorrow, and indignation. † To heighten the effect of the discovery, Sir John declared that he "felt very near the same shock as if he had seen a son turn his back in the day of battle." He pronounced these intrigues to be of a tendency nearly as dangerous as those of the princes. And he drew from them this sweeping inference, that "no party in this country has a right to assume over another from the merit of their ancestors; it being too plain, from the following papers, that Whigs and Tories, in their turns, have been the enemies of their country."

* See a translation of this work, which is a history of the second Dutch war, in the State Tracts published after the Revolution. It is there entitled "The History of the War of Holland, written originally in Italian by the Count de Magole, and printed at Paris in 1682, with the French King's Privilege, but soon after suppresst, almost all Copies destroyed, and the Author sent to the Bastile at the Complaint of My Lord Preston, the English Ambassador then residing at Paris. Never before published in English."

† See Hume's note upon this subject, vol. viii.

However gratifying such reflections must always be to selfish politicians, and to those who doubt all public virtue, I hope to prove that this instance, at least, will afford no foundation for their malignity. In doing this, I shall not throw any doubt upon the accuracy of the historian or the honesty of the ambassador. I am willing to allow, for the present, that the stream of history has flowed with undiminished purity through these suspected channels. I shall not deny, therefore, that an intercourse took place between Lord Russell and Rouvigny; although it is very probable that Barillon, in repeating from Rouvigny the substance of these interviews, represented them as much more favourable to his master than they really were. But I trust that an account of the whole matter will show that nothing took place derogatory to the public virtue or private honour of Lord Russell.

The first thing to consider, is the time at which the intercourse took place; for any political intercourse whatever with an agent of France would, in ordinary times, be, to say the least, extremely improper. But this was a period of extreme danger to the English constitution. The King, who was known to entertain sentiments hostile to the liberty of his people, was about to raise an army, under the pretence of a French war, but in reality, as it was supposed, to subjugate his own country. That these fears were not idle fancies, appears from the best authorities. Sir John Reresby, a professed courtier, says, a jealousy was entertained "that the King indeed intended to raise an army, but never designed to join with the war; and to say the truth, some of the King's own party were not very sure of the contrary." Lord Danby, the prime minister, writes to the Prince of Orange, on Feb. 9. in these words: "The Parliament has now voted 26,000 foot and 4000 horse and dragoons; and I am confident will not stop there, in case His Majesty will go freely into the war, which yet they all doubt, and NOT WITHOUT CAUSE." Two months afterwards Barillon writes, "The Duke of York believes himself lost as to his religion, if the present opportunity does not serve to bring England into subjection: 'tis a very bold enterprise, and the success very

doubtful. I believe they have persuaded this Prince that a war is more proper to accomplish his design than peace." * The views of Lord Danby, he says, tended solely to procure money and increase his master's authority. And though the King still wavered, and his humour was very repugnant to the design of changing the form of government, he was nevertheless drawn along by the Duke and Treasurer. †

These quotations prove that those who were most in the confidence of Charles, were ignorant of his real intentions, and that the Duke of York looked upon the war as an opportunity for establishing his favourite religion and arbitrary government. The opposition, on the other hand, warned, as we have seen, by Algernon Sydney, and in possession of early information with respect to what was passing at Paris, entertained a suspicion that Lewis was acting in concert with Charles, for the destruction of that liberty which was dearer to them than their lives. Above all, they dreaded that the House of Commons, which, in the course of seventeen years, had been corrupted by bribery, would go into the schemes of the court, and blindly hasten the subversion of the constitution. In this dilemma they saw no chance of safety but in a dissolution.

Lewis, on the other hand, equally distrustful of Charles, resolved to obstruct his movements, by a connection with the popular party in England. D'Avaux, the French minister at the Hague, represented to the opposition leaders, by means of Algernon Sydney, that the union of the King of England with the Prince of Orange would prove destructive to the liberty of both countries: and M. de Rouvigny was sent over with money, which, according to the information of Montague, the ambassador at Paris, "by means of William Russell, and other discontented people, he was to distribute in Parliament."

Did we know no more than this, it might be suspected that

* Dal. App. p. 143.

† Dal. App. ibid. I only quote this dispatch, to show the general views of the court. The date is of the 18th of April.

Lord Russell had lent himself to the worst species of corruption. Happily, however, the dispatches of Barillon dispel all doubts upon this subject. M. de Rouvigny, being first cousin to Lady Russell, a circumstance we ought always to bear in mind, easily obtained an interview with Lord Russell. He appears to have seen Lord Hollis at the same time. The substance of their conversation is thus reported by Barillon. "M. de Rouvigny a vû Milord Roussel et Milord Hollis, qui ont été tous deux fort satisfaits de l'assûrance qu'il leur a donnée, que le roi est bien convaincu qu'il n'est point de son interêt de rendre le Roi d'Angleterre maître absolu dans son royaume, et que sa Majesté vouloit travailler à la dissolution de ce parlement dès que le tems y paroitroit favorable: Milord Roussel lui a dit, qu'il engageroit Milord Shafbery dans cette affaire, et que ce seroit le seul homme à qui il en parleroit clairement; et qu'ils travailleroient sous main, à empêcher qu'on augmentât la somme qui a été offerte pour faire la guerre, et qu'ils feroient ajouter à l'offre d'un million de livres sterlings, des conditions si désagréables pour le Roi d'Angleterre, qu'ils espéroient qu'il aimeroit mieux se réunir avec la France, que d'y consentir. Il témoigna à M. de Rouvigny, qu'il soupçonnoit que sa Majesté trouvoit bon que le Roi d'Angleterre lui declarât la guerre pour avoir de l'argent, avec promesse que dés qu'il en seroit le maitre, il conclurroit la paix. M. de Rouvigny lui dit, que pour lui faire voir le contraire bien clairement, j'étois prêt à répandre une somme considerable dans le parlement, pour l'obliger à refuser absolument de l'argent pour la guerre, et le sollicita de lui nommer des gens qu'on pût gagner. Milord Roussel répondit, qu'il seroit bien fâché d'avoir commerce avec des gens capables d'être gagnés par de l'argent; mais il lui parût forte aisé d'être assûré par cette proposition, qu'il n'y a entre votre Majesté et le Roi d'Angleterre nulle intelligence qui puisse préjudicier à leur gouvernement: il dit à M. de Rouvigny, que lui et tous ses amis ne souhaitoient autre chose que la cassation du parlement; qu'ils savoient qu'elle ne pouvoit venir que du côté de la

March, 1678.

France; que puisqu'il les assûroit que c'étoit le dessein de sa Majesté d'y travailler, ils se voyoient obligés de se bien fier en lui, et faire tout leur possible pour obliger le Roi d'Angleterre à rechercher encore une fois son amitié, et mettre par ce moyen sa Majesté en état de contribuer à leur satisfaction." *

March 24. 1678. After the subsidy had been granted, M. de Rouvigny saw Lord Russell and Lord Hollis again. They told him that they never pretended to oppose the supply openly, but they had hoped that the clauses they had affixed, being contrary to the privileges and authority of the crown, would not have been consented to, either by the King or his ministers; that the passing of the act without any difficulty had redoubled their fears of the designs of the court; that they were still persuaded the Kings of France and England acted in concert, and were afraid that the war would serve only to bring them into subjection. In short, the popular party were at this time in the greatest alarm. They had found, as we have seen in the last chapter, that the nation, eager for a war with France, was too blind to the danger, to allow of their opposing his projects with any prospect of success. The object they then pursued was, in the words of Barillon, "to force the court to declare war, and thereby shelter themselves from the danger, lest the army which is now raising should be employed to change the form of government in England." With this view, and with that of clearing up the suspicion which they still entertained, that the two kings acted in concert, Lord Russell and Lord Hollis represented to Rouvigny, and the Duke of Buckingham at the same time endeavoured to persuade Barillon, that his master might acquire merit with the whole nation, if he would demand peremptorily of Charles whether there was to be peace or war; that this step would not oblige the King of England to declare war, if he were not resolved upon it already; and their party would, by this means, know that Lewis not only had no connection with the King of England to oppress them, but that he would not suffer him, under

* Barillon, March 14.

pretence of an imaginary war, to bring them into subjection.* "I did not controvert this reasoning," says Barillon, "and have been, in some degree, obliged to enter into the sentiments of the Duke of Buckingham, and to pretend to him that I did not think it impossible Your Majesty might order me to speak as he wished." He afterwards says that Buckingham was the only person of the opposition who would enter into a formal engagement.

Allowing the whole of this statement to be correct, few persons, I imagine, will feel a shock nearly equal to that they would feel if they saw a son turn his back in the day of battle. Such a feeling could not arise even from an extreme sensibility of nerves, if not accompanied with an equal obtuseness of understanding. In the case of Sir John Dalrymple, the expression must, I fear, be attributed to that affectation of generous and patriotic sentiment, of which his writings afford so many examples. The concert which was established between the popular party and France was a concert only in name. The opposition continued, as before, pursuing their own purpose, which, so far from being French, was the preservation of the English religion and laws. They promised, it is true, to prevent, if possible, the war with France, but it was their bounden duty to do so. They had every reason to suppose that war was intended as a death-blow to liberty. The only offer which Rouvigny made to assist them in their endeavours with money, was indignantly refused. I need not point out to my readers, that this refusal shows Lord Russell to have been quite free from the general corruption of the age. But it is material to observe, that it proves him to have been unsuspicious of the rest of his party. It is clear then, that the aim and end of Lord Russell was to preserve the constitution, and that he was not swayed by interest in pursuing that end. How then can he be called an enemy to his country?

* Dal. App. p. 138. This dispatch of Barillon's is headed by Dalrymple, "Dangerous Projects of the Heads of the popular Party acting in concert with France." The danger, if any, was to the cause of arbitrary monarchy, which would have been injured by a war between Charles and Lewis.

But if Lord Russell did not alter his line of conduct to please the King of France, it may be asked what were the objects of the interview. I answer, the first object was to procure from his near relation an insight into the connection between Charles and Lewis. This connection was a cause of continual apprehension in the party, for they well knew that such a connection might be fatal to them. The second object, however, was not so laudable; it was to procure from Lewis a promise to assist in obtaining a dissolution, in case the peace should be maintained. Yet there was nothing criminal in such an endeavour. The imminent danger which threatened us from the conduct of France, abetting the designs of Charles, cannot, at this day, be properly estimated. At the very time when the Parliament was giving money for a war, Lord Danby was writing, by his master's order, to beg for money for a peace. We shall presently see, that, five days after the House of Commons had passed the act for a supply, Lord Danby wrote to Paris, that Charles expected six millions yearly from France. Had Lewis been sincere in the project of making Charles absolute, there can be no doubt that it might have been easily accomplished. Was not this sufficient to justify the popular party in attempting to turn the battery the other way? The question was not, whether to admit foreign interference, but whether to direct foreign interference already admitted to a good object. The conduct of Lord Russell, therefore, was not criminal; but it would be difficult to acquit him of the charge of imprudence. The natural consequence of his application was to render Charles more and more dependent, till the liberties of England might at last have been set up to auction at Versailles.

What I have said relates only to the first interview: as for the second, upon which so much stress has been laid by Dalrymple, it was only an aukward attempt to persuade Lewis to declare war conformably to the wish of the English people, and in direct opposition to his own interest and inclination.

An undue weight has been attached to the interviews between the leaders of the popular party and M. de Rouvigny. Even Mr. Laing,

whose research generally leads him to the truth, supposes that the dangerous schemes of the court were defeated by the connection between the popular party and France. They were defeated, or at least retarded, it is true, by the conduct of opposition; but that conduct was the result of their own suspicions and the advice of Sydney. Whoever will take the trouble to read over the dispatches of Barillon, will see that the party not only would enter into no engagements, but that they did not move a hair's breadth out of their path, in consequence of the mission of Rouvigny.

Mr. Hume concludes his remarks on this subject, with saying, that the conduct of Lord Russell was merely factious. With deference to him, it was either criminal or innocent, wise or imprudent, but by no means factious. The party with which he acted was not a faction, but a body attempting to save the constitution in its utmost need. But the Tory prejudices of Mr. Hume, combined with his philosophical tranquillity, have induced him to blame every appearance of zeal for liberty, and to condemn as factious every attempt to retard, what he has called, the Enthanasia of our Constitution.

The charge of receiving money from France, in which Lord Russell is no way implicated, relates to a different year, and shall be discussed in its proper place.

CHAP. VII.

POPISH PLOT. — COLEMAN'S LETTERS. — MOTIONS AGAINST THE DUKE OF YORK. — IMPEACHMENT OF LORD DANBY. — PROROGATION AND DISSOLUTION OF PARLIAMENT. — LETTER OF LORD RUSSELL.

1678. THE opposition at this time seem to have almost despaired of the cause of liberty. Many of them had thoughts of withdrawing altogether from public affairs, For, in spite of all their efforts, the King had been able both to maintain his friendship with France, and to delay disbanding the army which had been raised to oppose her. But at this time an event occurred which baffled all the powers of foresight, and seems for a time to have suspended the faculty of judgment. I allude to the discovery of the Popish Plot; which, although its credit rested almost entirely upon the attestations of infamous and despicable men, to vague, improbable, and ridiculous stories; yet having some foundation in truth, and falling in with the prevailing fears of the nation, cost the lives of many considerable men, and had nearly disturbed the regular succession of the throne.

Sept.

A detailed history of this plot does not enter into my plan. But although the charge is now withdrawn, it is right to mention such circumstances as serve to exculpate the country party from the guilt of inventing this story, for the purpose of taking away the lives of the innocent. This accusation is easily disproved: nay, so far is it from the truth, that the plot was brought to light by Lord Shaftesbury and his friends, that it might have been suppressed but for the following circumstance. The Duke of Buckingham, who was a great enemy of Lord Danby, had been long banished from Court, but had lately been privately admitted to kiss the King's hand at Chif-

finch's. Upon being informed of this circumstance by the Duke of York, Danby expressed great indignation at the King's want of firmness to stand by his friends. From this time he expected to be supplanted by Buckingham in the royal favour, and he became proportionably anxious to obtain the good opinion of the country. The enquiry into the plot, he seems to have thought, would serve both to show his zeal for the Protestant religion, and to divert the attention of Parliament from his own impeachment. With this view, he advised the King to go to Newmarket, and leave to his council the unravelling of this mysterious business. And as soon as Parliament assembled, he, contrary to the wish and express command of the King, laid the whole business before them. Upon the first discovery, the High Church party were eagerly bent on pursuing the plot; but when they saw Lord Shaftesbury and his friends take it up with still more vehemence and activity, they became cool in the prosecution. Another circumstance may be mentioned, which tends to exculpate Shaftesbury from any share in inventing the story. It was a part of the pretended plot, though not generally noticed, that Popish priests should assume the disguise of dissenting ministers, in order to preach liberty of conscience.* This could never answer the purpose of Lord Shaftesbury, who was at this time chiefly supported by Non-conformists. It is also remarkable, that the first time Oates was examined respecting the Duke of York, he affirmed him to be totally ignorant of the plot, and gave many reasons in support of that opinion. Besides, the whole story is so wild and so absurd, that it is impossible for any one to believe that it was the invention of so able a man as Shaftesbury.

1678. Oct. 21. Parliament met on the 21st Oct. In the King's speech the plot was taken notice of in the following terms. "I now intend to acquaint you (as I always shall do with any thing that concerns me) that I have been informed of a design against my person by the Jesuits, of which I shall forbear any opinion, lest I may

* See Oates's Narrative.

seem to say too much or too little; but I will leave the matter to the law, and in the mean time will take as much care as I can to prevent all manner of practices by that sort of men, and of others, too, who have been tampering in a high degree with foreigners, and contriving how to introduce Popery amongst us."

Lord Chancellor Finch, following the King, said, "His Majesty has told you, that he hath lately received information of designs against his own life by the Jesuits; and though he doth in no sort prejudice the persons accused, yet the strict enquiry into this matter, hath been the means to discover so many other unwarrantable practices of theirs, that His Majesty hath reason to look to them."

The letters of Coleman, and the murder of Sir Edmondsbury Godfrey, seem to have fully confirmed the general belief of the Popish Plot. Every party shared in this delusion, and Oates was generally styled the Saviour of the Nation. The country party, in general, were probably deceived with the rest. They were, indeed, more open to be imposed upon by a feigned plot than others, as they were thoroughly convinced that a design was carrying on against the Protestant religion.* In the paper which Lord Russell delivered to the Sheriffs on the scaffold, he speaks thus: "As for the share I had in the prosecution of the Popish Plot, I take God to witness, that I proceeded in it in the sincerity of my heart, being then really convinced (as I am still) that there was a conspiracy against the King, the nation, and the Protestant religion; and I likewise profess, that I never knew any thing either directly or indirectly, of any practice with the witnesses; which I looked upon as so horrid a thing, that I could never have endured it."

The sincerity of Lord Russell is so generally acknowledged, that credit must be given to him for upright intentions at this singular

* So also was Mr. Evelyn. "For my part," he says, "I look on Oates as a vain insolent, man, puffed up with the favour of the Commons, for having discovered something really true, more especially as detecting the real intrigue of Coleman, proved out of his own letters, and of a general design which the jesuited party of the Papists ever had, and still have to ruin the Church of England," &c. Vol. i. p. 479.

period. The character of Lord Shaftesbury is not so pure as to free him equally from reproach. Perhaps he may have reasoned to himself in this manner: — "It is clear that designs exist somewhere to subvert our laws and religion. But the people who would never listen to us when we informed them of the conspiracy carried on with France, are now thoroughly awakened to a sense of their danger, when it has been drest up in wonders and horrors by the knavery of Oates. It is much better to promote their credulity than, by letting this plot fall, to incur the risk of their sinking again into a fatal apathy." Shaftesbury, who was not very scrupulous, may have satisfied his conscience with such arguments. But whatever may have been his secret views, the party in general seems to have given into the belief of this plot with the rest of the nation, including a majority of the ministers, and nearly the whole of the church.

The enquiries to which the plot gave rise soon involved the Duke of York.

Coleman, formerly the Duke's secretary, afterwards in disgrace, and at that time secretary to the Duchess, was the agent of a correspondence during the years 1674, 1675, and part of 1676, between James and the King of France, through the means of Fathers Ferrier and Le Chaise. It related chiefly to advances of money from the French king to obtain the dissolution of the English parliament, and promote the French and Catholic interest. But nothing seems to have been concluded, the effectual negociations having been carried on, as we have seen, by other hands. In one of these letters, Coleman says,

"We have here a mighty work upon our hands, no less than the conversion of three kingdoms; and by that perhaps the utter subduing of a pestilent heresy, which has domineered over great part of this northern world a long time. There never were such hopes of success since the days of Queen Mary, as now in our days, when God has given us a prince, who is become (I may say by miracle) zealous of being the author and instrument of so glorious a work; but the opposition we are sure to meet with is also like to be great, so that it imports us to get all the aid and assistance we can; for the harvest

is great and the labourers but few. That which we rely most upon, next to God Almighty's providence, and the fervour of my master the Duke, is the mighty mind of His Christian Majesty, &c."

Upon Coleman's examination by a committee of the Commons, he confessed the correspondence, but said there were not three men in England privy to it, of whom the Duke of York was one, and he believed Lord Arundel another. He also confessed he had been sent by the Duke of York to Brussells upon a proposal from the Pope's nuncio, of money from the Pope, on condition that the Catholics should receive proportionable favour. But the nuncio had afterwards disowned any authority from the Pope. Undoubtedly this correspondence, though but a small part of the Duke of York's intrigues, would have been sufficient grounds for the impeachment of any other subject. It is to be attributed to the moderation and prudence of the country party that the first motion they made on this subject was only for the removal of the Duke from direct influence in the administration.

Nov. 2. Lord Shaftesbury moved, in the House of Lords, on the 2d of November, that he might be removed from all councils and public affairs. Two days afterwards the King desired him not to come to the foreign committee, and to decline meddling any more in public business. The Duke reluctantly obeyed.* But the popular party, not satisfied with this concession, resolved to move an address

Nov. 4. in the Commons, to remove him from the King's presence and councils. The person chosen to make this important motion was Lord Russell. It was not because he was endowed with extraordinary sagacity to detect the intrigues of the Duke, or with remarkable eloquence to rouse the passions of a popular assembly, that he was the fittest person to take the lead; but the great stake which he had in the country, and, above all, the personal integrity and temperate love of liberty which distinguished his character, pointed him out for this important duty.

In the prevailing temper of the House, the ministers did not

* Life, p. 524.

venture to meet the motion by a direct negative. They allowed, in debate, the dangers to be apprehended from the Duke's influence; but they said he had himself proposed to withdraw from the King's councils. And that after what had passed in the Lords, such an address as the present might create a misunderstanding between the Houses. They argued also, that the measure would not answer the end proposed, as the King and Duke might correspond by letter. Sir John Ernly, Chancellor of the Exchequer, said, "If you put the "Duke away, you put him at the head of 20,000 men, and then it "will be much more in his power to do you hurt." The debate was adjourned to the 8th, and after a short conversation on that day, ministers found means to prevent its again coming forward. Several circumstances, which occurred upon this occasion, serve to show the temper of the House. Sir T. Clarges declared it was the greatest debate that ever was in Parliament. Mr. Waller having desired time to consider, Mr. Harwood said, that he who moved to defer the question a minute longer was an enemy to his king and country. Sir Robert Sawyer, a great courtier, proposed an address to the King to represent that his brother, being a Papist, was the cause of all the confidence of the Papists, and that he be pleased to declare in open Parliament, whether he was a Papist or not. A motion not very different from one which Lord Russell brought forward in the next Parliament. But Mr. Sacheverell, in closing the debate, plainly hinted at the bill of exclusion. "I have read," said he, "a little in "the law, but I would have the gentlemen of the long robe tell me, "whether any degree or quality whatsoever of any subject can pa-"tronize any correspondence with the King's enemies? or whether "the King and Parliament may not dispose of the succession of the "crown? and whether it be not præmunire to say the contrary?" This speech, and the report of an attempt being on foot to exclude the Duke from the succession, were, no doubt, the motives of the King's speech of the 9th, when, under the pretence of thanking the Houses for their care of his person, he came "to assure them that whatsoever bills they should present to be

Nov. 9.

passed into laws, to make them safe in the reign of his successor, so they tended not to impeach the right of succession, nor the descent of the crown in the true line; and so as they restrained not his power nor the just rights of any Protestant successor; should find from him a ready concurrence." The King thus protested against the Bill of Exclusion six months before it was brought in.

The Opposition, on the other hand, sought alliances in every direction. Lord Russell, Sir Henry Capel, &c., had meetings with the Duke of Monmouth, in order to concert the removal both of the Duke and the Treasurer.

They commissioned Monmouth to acquaint the King that they would supply him with any sum of money he might require, if he would lay aside the Lord Treasurer. According to James, overtures were also made to Lord Danby, by Colonel Birch, who endeavoured to prevail upon him to favour Monmouth's legitimacy. Both these stories may be true; but we have not the same authority for an account which appears in James's memoirs of a proposal made by the party to the Duke of York, to turn out Lord Danby. The credit of this tale rests upon the authority of the anonymous biographer of James, a witness of the most exceptionable kind *; and its authenticity is rendered more questionable by the care he has taken to confirm the facts in the preceding paragraph, by a subsequent quotation of James's own words, whilst this singular story is left without any such confirmation.

The Duke of York soon came again before the Commons in a different manner. A bill had been brought into the House of Lords, to disable Papists from sitting in Parliament, and a proviso moved, to except the Duke. He spoke on it himself with great earnestness, and with tears in his eyes.

On the Bill being sent down to the Commons, it occasioned a long debate, or rather a series of speeches, deprecating the vengeance of the House: for those who were against the Duke, almost confined themselves to crying "Question," and "Coleman's letters." Per-

* See Edinburgh Review. v. 26. p. 402. et seq.

haps they were unwilling to entangle themselves in a personal discussion, when the question did not originate on their side of the House. Those who were in favour of the Duke, argued and prayed, and Sir W. Killigrew wept in his behalf. They magnified the obligations the Duke would be under to the Protestant interest if this proviso were carried, and the dangers he might cause if driven into exile in France. But wise men thought him equally incapable of feeling gratitude, as the friend, and of inspiring fear as the enemy of his country. The proviso was agreed to, by a majority of two. In this manner, a century and a half after the Reformation, Roman Catholics were excluded from both Houses of Parliament; and a bill passed in a moment of great danger and much greater alarm, has since become dearer to many than any part of our constitution.

On the 25th, the Commons resolved, upon a message from the throne requesting advice, that the forces raised since 1677 should be disbanded. On the 30th, the King came to the House, and gave the royal assent to the bill for disabling Papists to sit in Parliament, but refused it to the Militia Bill. This was a bill for calling out the militia, and keeping them embodied forty days. The King said it put the militia for so many days out of his power, which he would not consent to, even for half an hour. His conduct was both prudent and constitutional, especially as he afterwards offered to consent to any other bill for the security of the kingdom, by the militia, which should leave him the power of calling them out, continuing or not continuing them together during the time limited. *

Nov. 30.

After some preliminary votes aimed at the Lord Treasurer, which were by no means displeasing to the Duke of York, the Commons resolved upon an impeachment against him. This was the consequence of a discovery which requires some elucidation.

Dec. 21.

* Mr. Fox remarks, that the King "made his stand upon the same point in which his father had done; a circumstance which, if events had taken a turn against him, would not have failed of being much noticed by historians."

Lord Danby came into office with sentiments of hostility to France, and an inclination to promote the real interest of the kingdom: but he soon found that his master would not be served in this honest manner; and he preferred entering into the schemes popular at court, though still without soiling his own personal integrity, to a surrender of the power and emoluments of office. During the late negociations at Paris, he had, unknown to the Secretary of State, carried on a correspondence with Mr. Montague the ambassador, with a view of obtaining money for his master. In his letters, though always expressing a reluctance, no doubt very sincere, to engage in ties so dishonourable, he nevertheless condescended to truckle and higgle for sums which were to be paid for the neutrality of England, as well as others for her mediation of a general peace. Mr. Montague, the King's chief agent in this shameful traffic, was a candidate for the place of Secretary of State, but finding it was destined for Sir William Temple, he conceived the most violent animosity against the Treasurer. In order to execute his purpose, he sought out an astrologer in Paris, in whom the King had great faith, and found means to corrupt him. He then proposed to the Duchess of Cleveland to send him over to England, to predict to the King a total ruin if he followed the advice of their enemies, and a glorious reign if he dismissed them. By this contrivance he hoped to be not only Secretary of State but prime minister. But upon some quarrel with the Duchess of Cleveland, she betrayed the whole to the King; and brought Montague into disgrace.* However, he came over to England without leave, and by means of the Treasurer's good offices was admitted to kiss the King's hand. At the same time, he showed to Lord Russell, and other opposition members, the letters which implicated the Treasurer, and obtained from the French court a large sum for compassing his ruin. Lord Danby, hearing of his meetings with the Opposition, tried to find some means of getting possession of his papers, and for this purpose, it is supposed, made Sir Leoline Jenkins write from abroad that he had a correspondence with the Pope's nuncio. With

* See Duchess of Cleveland's Letter. Appendix to Harris's Life of Charles II.

this letter in his hand, he obtained an order from the Council, for seizing Montague's papers.

Upon a message from the King to the House of Commons, informing them of this order, a warm debate arose on the legality of seizing papers. Montague sat for some time silent, and then rising up, informed the House he had letters in his possession implicating a great minister. Lord Russell owned that the contents of some of these papers had been imparted to him, and that Montague had secured copies of them, though he could not then come at the originals. Upon this information, Mr. Harbord and others were sent to a place where Montague directed them, and brought back a box full of papers. Montague selected out of these two letters, which were read by the Speaker. They were addressed by Lord Danby to Mr. Montague, when at Paris. One of them, dated March 25th, contained the following passage: — "In case the conditions of peace shall be accepted, "the King expects to have six millions of livres yearly, for three "years, from the time that this agreement shall be signed between "His Majesty and the King of France, because it will be two or "three years before he can hope to find his Parliament in humour "to give him supplies, after your having made any peace with "France." At the bottom were these words: "This letter is writ "by my order. C. R."

This discovery naturally excited both anger and alarm. It was remarked, that on the 20th March, an act had passed for a war with France, and an army raised in pursuance of it, afterwards kept * up. Mr. Bennet moved an impeachment, which, on a division, was carried by 179 to 116; nor was it to any purpose that Lord Danby showed the next day, by letters of Montague, that the accomplice was the more guilty of the two. The Commons justly thought, that the minister who possessed the royal confidence, and gave the royal orders, was the more dangerous object. The articles of impeachment were six in number. Amongst other crimes, the Treasurer was accused of being popishly inclined, and of concealing the Popish Plot;

* See the remarks on Lord Russell's conduct in the two preceding chapters.

though it was sufficiently evident that he was entirely innocent of both charges. But mankind are too apt to join in their undistinguishing censure, the most odious acts with the most odious persons; and as favouring Popery was then the greatest offence, it is not surprising, the accusers should impute it to the greatest offender.

In the same disposition of mind, the House voted to impeach the Treasurer for high treason, though none of the facts, if proved, amounted to that crime. Solicitor Winnington, indeed, laboured hard to show, that Parliament, making use of a proviso in the statute of Edward, ought to declare, that obtaining money for the purpose of destroying parliaments, was treason; but as they had not yet done so, no declaration of that kind could justly affect Lord Danby. When the impeachment was brought up to the Lords, the Earl made a speech in his own defence; when, instead of vindicating his culpable negociations, he thought it a sufficient justification to say, that he had the King's order under his own hand: a plea which, if allowed, would make ministerial responsibility a phantom. The Lords refused to commit him upon the charges of the Commons, and the dissolution of the Parliament soon after, interrupted the proceedings. On the 30th December, the King came to the House of Lords, and prorogued Parliament, with these singular expressions: "My Lords and Gentlemen, — It is with great "unwillingness that I come this day to tell you, I intend to prorogue "you. I think all of you are witnesses that I have been ill used. "The particulars of it I intend to acquaint you with at a more con-"venient time."

Dec. 30.

These terms seem to allude to the prosecution of the Popish Plot, and the impeachment of Lord Danby. The Parliament was dissolved within a month afterwards. The chief cause of this measure probably was, that the House of Commons was becoming quite unmanageable; and the King had some reason to fear, that if allowed to hold on their course, they might not only impeach the five Popish Lords, but defeat the succession of his brother. The Duke of York was incensed at their prosecution of the Popish Plot. "Though it

Jan. 25. 1679.

" (the Parliament) had concurred, with inexpressible joy, (says " James,) to re-establish injured monarchy, it was broken for en- " deavouring with as much ardour to pull it down again." He who reads with attention the history of those times, will have little difficulty in deciding, whether he ought to blame the Parliament for fickleness and disloyalty to the King, or the royal brothers, for a conduct ill suited to retain the affection and confidence of the Parliament.

Lord Danby was also quite ready to advise the dissolution of a Parliament, by which he was threatened with impeachment. On the other hand, the Opposition were willing to let him escape, in order to obtain their favourite measure. Lord Hollis, Littleton, Boscawen, and Hampden, when applied to by the King, agreed to let him off with a mild censure, provided he would leave his office, and get the Duke sent out of the way.* A quiet retreat was indeed the best he could now hope for. Monmouth, Sunderland, and the Duchess of Portsmouth, had formed an union with Shaftesbury, Halifax, and Essex, for his ruin. The former were to undermine his influence at court, whilst the latter prosecuted him in Parliament. At the same time, the King and the Duke, disgusted with his behaviour on the Popish Plot, were prepared to let him fall.

From the following letter, written from the Marquis of Winchester's house at Basing, it appears, that Lord Russell was engaged in some negociation at this time, but with whom it is not easy to say.

" Basing, Feby ye 8th, 1679.

" I am stole from a great many gentlemen in the drawing-roome at Basing, for a moment, to tell my dearest I have thought of her being here the last time, and wished for her a thousand times; but in vaine, alas! for I am just going now to Stratton, and want the chariot, and my dearest deare in it. I hope to be with you on Saturday. Wee have had a very troublesome journey of it, and insignificant enough by the fairnesse and excesse of civilitie of some-

* Burnet, folio, p. 443. vol. ii. 8vo. p. 57.

body: but more of that when I see you. I long for the time, and am, more than you can imagine, your

" RUSSELL."

" I am troubled at the weather, for our owne sakes; but much more for my sister's: pray God it may have noe ill effect upon her, and that wee may have a happy meeting on Saturday. — I am Miss's humble servant."

CHAP. VIII.

ELECTIONS. — MEETING OF PARLIAMENT. — CHOICE OF A SPEAKER. — IMPEACHMENT OF LORD DANBY. — HE SURRENDERS HIMSELF. — QUARREL BETWEEN THE HOUSES. — CHARACTER OF DANBY'S ADMINISTRATION. — NEW COUNCIL. — LORD RUSSELL A MEMBER OF IT. — ITS INEFFICACY. — LIMITATIONS ON A POPISH SUCCESSOR PROPOSED BY THE KING. — EXCLUSION BILL. — PROROGATION. — HABEAS CORPUS ACT PASSED.

THE elections were carried on, as might be expected, with great heat, and generally speaking, much to the advantage of Opposition. It is said that the practice of splitting freeholds was now introduced, for the first time, by the country party.

Some letters of Lord Shaftesbury and the Marquis of Winchester were intercepted and opened by the court. They were found to contain recommendations to their friends not to choose fanatics, and the King declared he had not heard so much good of them a great while. *

In the new parliament, John Hampden was returned for Buckinghamshire, Henry Booth for Cheshire, Mr. Sacheverell and Lord Cavendish for Derbyshire, Sir Samuel Barnadiston for Suffolk, and Lord Russell for Bedfordshire and Hampshire. He finally made his election for the former.† Perhaps there is hardly another instance in the history of elections, of one man being chosen for two counties.

March 4. 1679. Two days before the meeting of Parliament, the Duke of York left England and retired to Brussels. He had been advised to this step by many of his friends, backed by the entreaty of the Lords in the Tower. ‡ But before he would consent to go, he obtained from the King the three following conditions: first, that he should solemnly declare he was never married to the Duke of Monmouth's mother; secondly, that he should never give his assent to any bill

* Lady Russell's Letters, MSS.

† See the Requisition in the Appendix.

‡ Life, p. 536.

to vacate his (the Duke's) right to the crown; and, thirdly, that he should give him an order, under his hand, to remove.* The session of Parliament began with an unfortunate difference concerning the choice of a speaker, little interesting to a reader of the present day. Mr. Seymour having been chosen for the zeal which he had shown against Popery, was rejected by the court for his enmity to Danby, and Sir Thomas Meres proposed in his stead. But the House generally resented what they thought an encroachment on their privileges, and sent Lord Russell and Sir Robert Carr to desire time to consider of the King's message. On a subsequent day they presented an address, asserting the undoubted right of the Commons to elect freely one of their members as speaker, and that the person so elected had always continued speaker, unless excused for some bodily infirmity. But the King gave them a sharp answer, and upon their insisting on their right, prorogued them. Upon their meeting again two days after, Lord Russell said he hoped the late unhappy difference would not be renewed, and proposed Serjeant Gregory as speaker. This motion was seconded by Lord Cavendish, and was generally acquiesced in. The more prudent part of the Opposition, led by the opinion of Serjeant Maynard, seem to have thought that the dangers at home and abroad were evident, and a remedy necessary, while the question of privilege was not clear, nor a decision essential. They felt they could not answer it to the country, if they broke with the King on a point comparatively trifling. The King's refusal to confirm the speaker, however, was not entered in the Journal of either House, and cannot, therefore, be considered a precedent. Speaker Onslow said, the House of Commons gained nothing by the contest, but that a speaker might be proposed by a member, not being a privy counsellor. †

March 6.

March 15.

That which was really important in this affair, was the animosity it provoked against Lord Danby, who had been led into the part he

* Ralph. Orleans's Revolutions. Temple.

† Hatsell's Precedents, vol. ii.

had taken against Mr. Seymour by a quarrel of his wife.* The storm now raised against him could not be allayed.

March 20. The Commons began the business of the new Parliament by reminding the Lords of the impeachment of the treasurer, and desiring that he might be committed. The Lords, on the other hand, appointed a committee to draw up a bill for disabling him to hold any office. This they afterwards changed into a bill of banishment, but it was immediately rejected when it came down to the Lower House. The Commons next voted the plot real, and addressed the Crown that 500l. might be paid to Bedloe, as the discoverer of the murderers of Sir E. Godfrey. But they immediately afterwards resumed the impeachment of Lord Danby. Upon the rumour of a pardon having been granted him, they appointed a committee to ascertain the fact from the Lord Chancellor. By their report it appeared that a pardon had passed the great seal with the utmost privacy, and had not been entered in any office. This excited the rage of the country party, and produced a message to the Lords to demand justice against Thomas Earl of Danby, and that he be immediately sequestered from Parliament, and committed to safe custody. An address was also sent to the throne, representing the irregularity, illegality, and dangerous consequence of the pardon. And

March 26. as Lord Danby had withdrawn, a bill was brought in to attaint him. The Lords converted this bill also into a bill of banishment; but the more moderate of the country party in vain endeavoured to promote the milder expedient in the Commons. Winnington, who had lately lost his place of solicitor, spoke violently against it as an attempt to favour the escape of a bad minister, and an encouragement to future misrule. Littleton tried, in private, to moderate his warmth, by representing, that if Lord Danby's life was spared, the court might be inclined to come to terms.† But his arguments had no effect; and on the bill of at-

April 15. tainder coming to a third reading, the Earl surrendered himself. The Commons immediately voted his pardon

* Temple Mem. p. 492. † Burnet.

illegal and void, and demanded justice against him. The Lords, to elude this request, sent down a message, that the Lords spiritual and temporal had appointed a day for hearing the cause of the Earl of Danby. This answer was a bone of contention to the Commons, who resolved, that the Lords spiritual had no right to give their vote during any part of the proceedings, in cases of blood. On this ground they voted, that any Commoner who should appear to maintain before the House of Peers the validity of Danby's pardon, without their consent, should be accounted a betrayer of the liberties of the English Commons.

Upon this question the prosecution rested; and we find the Earl of Danby moving for a writ of Habeas Corpus in 1682; when the Parliament being dissolved, there was no longer a prospect of his receiving judgment. But the court remanded him, and he remained in the Tower till 1685. Lord Danby tells us, in the preface to his letters, that Lord Russell afterwards owned himself mistaken in the part he took against him. The confession, if really made by Lord Russel, does credit to his candour; but, in fact, there is more to blame in the manner, than in the substance of the impeachment.

So fell Lord Danby. His talents, as a speaker in the House of Commons, had raised him to the high office of Lord Treasurer. His conduct in that great post was as little creditable to his wisdom and skill as to his honesty and patriotism. He gave way to the King, as far as was necessary to preserve his place, but not sufficiently to acquire the royal favour. He concurred in measures which endangered both our religion and government, and yet lost the friendship of the Duke of York. He extended the system of corrupting members of Parliament, increasing the sum allowed for that service, from 12,000l. to 20,000l. *; and yet he was impeached by the same House of Commons he had endeavoured to buy; and he sent for the letters and acquittances, the day after he had declared in his defence before the Lords, that there had not been one farthing granted by the Commons, which had not been strictly applied by him as the acts had

* Report from Comm. of Surrey, May 24. 1679. It was paid by the commissioners of Excise.

directed. This assertion rested upon the miserable quibble, that the money which he had used to corrupt the Parliament was unappropriated.

The proceedings relating to Lord Danby have contributed to settle three points concerning parliamentary impeachments. First, that impeachments laid by the Commons in one session, or one Parliament, continue in force to the next; secondly, that a peer impeached by the Commons is ordered to withdraw; thirdly, that the King's pardon cannot be pleaded in bar of an impeachment. Every one of these questions, but especially the last, is of high importance to the constitution.

April 21. It was at this time that Sir William Temple, thinking that the ministry, and finally the succession, would fall into the power of Monmouth, proposed a new privy council. It was to consist of 30 members. Some of the most violent Whigs, Russell, Cavendish, Capel, and Powle, were admitted. According to the present theory of our constitution, there is no part of it more perfect than that which regards the appointment of the ministers of the crown. As the power of refusing supplies has brought all public business within the sphere of the House of Commons, it follows, as a necessary consequence, even though the House should offer no advice on the subject, that ministers must be capable of bearing their scrutiny, and acquiring their confidence. Hence the choice of men distinguished as members of Parliament, before they are trusted as servants of the crown. The monarchy itself derives great advantage from this restraint to the personal will of the sovereign. Not only is the King less liable than other sovereigns to errors, which even the best intentioned are exposed to, by the arts of specious impostors and dishonest flatterers, but he has this security for the conduct of the most violent parliamentary leaders, that ambition can hardly lead them to wish the total destruction of that monarchy, of which they may hope at a future time to exercise the powers.

But such ideas were far from being understood before the Revo-

lution. During the reign of Charles the First, indeed, an attempt seems to have been made to conciliate the great parliamentary leaders, by entrusting them with offices of the crown. The Earl of Bedford, as we have seen in the early part of this work, was amongst those who were thus favoured. But the King was soon disgusted with them, and Lord Clarendon thinks he has sufficiently justified this dislike, when he tells us, that they always advised the King to comply with the wishes of his Parliament.

Nor was the measure now proposed by Temple likely to be attended with the success which he expected from it. Had he begun by asking the dismissal of all the obnoxious ministers, and the formation of a new council, by the union of the great Whig leaders, with Secretary Coventry and others, who had experience of office without the ambition of being chief ministers, a firm administration would have been formed, and the necessity of a revolution might have been prevented. But Temple had only in view to add to the strength of the old court. Fifteen of the thirty members of whom the new council was to be composed, were to be officers of the crown, on whom it was supposed the King might rely. It was thought that fewer concessions would be required, when the leaders of the Commons were members of the council, and that the King, with such assistance, might safely dissolve the parliament should it persist in unreasonable demands. It was considered as a most favourable circumstance, should affairs come to an extremity, that the property of the new council amounted to 300,000l. a year, whilst that of the members of the House of Commons seldom exceeded 400,000l.

It is obvious, that such a council was formed rather to be a rival to the Parliament than dependent on it, and the Whig leaders, to obtain at most half the confidence of the King, were to give up all the confidence of the people. "For the bare being preferred," says Secretary Coventry, "maketh some of them suspected, though not criminal."* The public were not yet able to conceive that men could be

* MSS. at Longleat. See also Sidney's Letters to Saville, April 21. and May 12.

at the same time counsellors of the King and friends of the people; and it was only by a complete change of councils, that they could have been convinced of its integrity. It is not surprising then, that the King's speech, announcing the new council, was received coldly by the House of Commons, and that little more than a fortnight after, they should present an address, praying the removal of the Duke of Lauderdale from all offices and employments, and from His Majesty's presence for ever.

The president of the new council, much against the opinion of Temple, was Lord Shaftesbury. But the cabinet council, which digested all affairs before they were brought forward, consisted of Essex, who was the new Lord Treasurer, in place of Danby, Sunderland, Secretary of State, Halifax, and Temple. Six days after the appointment of the new council, in a debate on the the succession, Colonel Birch said, "It must not be the addition of four or five persons to the council that will do it; it must be thoroughly done: — I hope the King will not have one that was at the giving such advice as we have had!" Lord Russell spoke with zeal and firmness regarding both the Succession and Popery. He ended, by desiring, "that a committee be appointed to draw up a bill to secure our religion and properties in case of a Popish successor.*

The motion made by Lord Russell, is a sufficient evidence that he was not yet convinced of the necessity of excluding the Duke of York from the throne. Temperate by nature, and not actuated by any personal feelings against the Duke of York, he probably wished to reconcile the King's interests to those of his people, in the manner most agreeable to the royal inclination; and if he was mistaken, we must admit his loyalty whilst we pity his delusion. His vote in the

* On the same day, an address to the crown was carried, praying that the King would give orders for the execution of Pickering, and other condemned priests. This was a savage and inhuman request, as, with the exception of Pickering, the crime of these priests was no other than that of exercising their religious functions. The King desired time to consider of his answer. A message was some time afterwards brought down by Lord Russell, intimating, that the King would order the execution of Pickering, but that the rest were still before the House of Lords.

council was to the same effect; for various limitations on a Popish successor having been proposed, some heads to be offered to the consideration of Parliament were at length resolved upon, and obtained the consent of all but Lord Shaftesbury and Sir William Temple. The first declared openly, that no security was to be found but in the total exclusion of the Duke of York, who, by force of arms, might break through all the limitations proposed; whilst the latter feared they would leave him in shackles, which would not be easily broken through by any successor. Temple, indeed, was secretly of opinion, that no expedient proposed by the crown would be agreed to by the Commons. This was also the private opinion of the King, who, even at the moment of proposing the limitations, was fully determined never to consent to them.* He came to the House of Peers on the 30th, and, after a short speech, left the matter to be fully explained by the chancellor. The chief articles he proposed were as follows. That care should be taken, that all ecclesiastical benefices and promotions in the gift of the crown, should be conferred on the most learned Protestants: That no members of the privy council, no judges of the common law, or in chancery, should, during the reign of a Popish successor, be put in or displaced, but by authority of Parliament: That no lord lieutenant, or deputy lieutenant, nor any officer in the navy, should be put out or removed, but either by Parliament, or by such persons as the Parliament should entrust with authority for that purpose.

April 30.

On the 11th May this great affair came into discussion in the House of Commons. The debate was opened by Mr. Bennet, who moved to make an address to the King, that the Duke might not come to England again without the consent of the King and the two Houses of Parliament. Mr. Pilkington "would humbly "pray the King that the Duke might come over, that they might im-"peach him of high treason." Secretary Coventry and Lord Cavendish supported the limitations. Mr. Hampden and Mr. Boscawen spoke

May 11.

* At least he wrote to this effect to the Prince of Orange, who does not however seem to have given full credit to the King's assurances. Dal. App. 302. 307.

May 15. for the exclusion. After farther debate it was resolved, "That a bill be brought in to disable the Duke of York to "inherit the imperial crown of this realm." On the next day, in utter defiance of justice and reason, it was resolved, nem. con. "That in "defence of the King's person and the Protestant religion, this "House doth declare that they will stand by His Majesty with their "lives and fortunes; and that if His Majesty shall come by any vio-"lent death, (which God forbid!) that they will revenge it to the "utmost upon the Papists."

The important bill which was now brought in enacted, First, That the said James, Duke of York, should be incapable of inheriting the crowns of England, Scotland, and Ireland, with their dependencies, and of enjoying any of the titles, rights, prerogatives, and revenues belonging to the said crowns. Secondly, That in case His Majesty should happen to die or resign his dominions, they should devolve to the person next in succession, in the same manner as if the Duke was dead. Thirdly, That all acts of sovereignty and royalty that Prince might then happen to perform, were not only declared void, but to be high treason, and punishable as such. Fourthly, That if any one, at any time whatsoever, should endeavour to bring the said Duke into any of the fore-mentioned dominions, or correspond with him in order to make him inherit, he should be guilty of high treason. Fifthly, That if the Duke himself ever returned into any of these dominions, considering the mischief that must ensue, he should be looked upon as guilty of the same offence; and all persons were authorised and required to seize upon and imprison him; and, in case of resistance made by him or his adherents, to subdue them by force of arms. It was read a second time on the 21st, the division being, yeas 207, noes 128.

Lord Shaftesbury lost no opportunity of forwarding the Bill of Exclusion. He represented to the honest, that they never could be safe under a Popish successor; and he hinted to the interested, that the Duke of Monmouth was in such favour at Whitehall, that the King only desired a fair occasion of yielding to the wishes of the Parliament. His credit grew so high with the Parliament, that Sunder-

land, Essex, and Halifax desired to admit him and Monmouth to the private or cabinet council; upon which Temple left them. But the three lords, finding that Monmouth and Shaftesbury would be satisfied with nothing less than yielding all points to the House of Commons, broke off with them, and concerted with Temple a prorogation of Parliament. They reckoned to carry this measure in the council by the votes of the fifteen placemen, and such of the others who should join them against Shaftesbury and his party. But even this mockery of advice was afterwards said to be unsafe, upon the pretence that the King had discovered that new remonstrances were preparing upon the subjects of the plot and Popery. He therefore went down to the Lords and suddenly prorogued the Parliament.

May 27.

"It passed," says Temple, "with very great resentment of both Houses, and such rage on the part of Lord Shaftesbury, that he said aloud in the House, that he would have the heads of those who were the authors of the prorogation." Indeed the King could hardly have contrived a measure that should so completely belie his public declaration on forming his council. "By the constant advice of such a "council, His Majesty is resolved hereafter to govern his kingdoms, "together with the frequent use of his great council of Parliament, "which he takes to be the true ancient constitution of this state and "government."

At the time of the prorogation, the House of Commons were occupied in examining into the pensions of members of the former parliament. It appeared by the report of the committee of secrecy, that 20,000l. per annum were paid quarterly by the commissioners of excise, for secret service to members of parliament. About thirty members who received pensions were named by Sir Stephen Fox; but the house had only time to examine two or three before the dissolution. Several, it appeared, had received the money as a compensation for giving up a share in the farm of the excise.

On the same day that Parliament was prorogued, the King gave his assent to the Habeas Corpus Act. From the passing of Magna Charta to that of the act of Habeas Corpus, a period of more than four centuries and a half, many attempts had been made, without

success, to ensure the execution of that blessed clause, by which it is enacted, that no freeman should be imprisoned or punished, except by the judgment of his peers, or the law of the land. The provisions of the present act of Habeas Corpus, which are too well known to require enumeration here, are, I believe, the same as those of the bill introduced in 1675, and are so admirably adapted to secure the personal liberty of the subject, as to merit the praise of all historians. The censure of James the Second, conveyed in the following passage, is however, superior in value to any panegyric. In his advice to his son, he says, " It was a great misfortune to the people, as well as to the crown, the passing of the Habeas Corpus Act; since it obliges the crown to keep a greater force on foot, than it needed otherwise to preserve the government, and encourages disaffected, turbulent, and unquiet spirits, to contrive and carry on with more security to themselves, their wicked designs; it was contrived and carried on by the Earl of Shaftesbury to that intent."* The part here attributed to Lord Shaftesbury, in framing this law, instead of being disgraceful, does great credit to his sagacity, and entitles him to the gratitude of the people of England. The whigs in the council, though few in number, may have likewise assisted in obtaining the King's consent to the act. Even the act now passed however, excellent as it is, was not scrupulously observed till after the Revolution. The peculiar distinction of that great event is not, as some suppose, to have established the right of Parliament to depose the King, and alter the succession of the crown, a principle often before asserted in the course of our history, but to have brought into easy and undisturbed practice those ancient rights and liberties, which the Plantagenets had attempted in vain to subvert, which the Tudors had often been allowed to trample upon, and which the Stuarts sacrificed their throne to destroy.

* Life of James, b. ii. p. 621.

CHAP. IX.

INSURRECTION IN SCOTLAND. — PARLIAMENT DISSOLVED. — EXECUTION OF LANGHORNE. — TRIAL OF SIR G. WAKEMAN. — KING'S ILLNESS. — RETURN OF THE DUKE OF YORK. — DISGRACE OF MONMOUTH AND SHAFTESBURY. — PROROGATION OF PARLIAMENT. — MEAL-TUB PLOT. — RETIREMENT OF ESSEX AND HALIFAX. — THEIR CHARACTERS. — PETITIONS FOR THE MEETING OF PARLIAMENT. — ABHORRING ADDRESSES. — WHIGS AND TORIES. — CHARACTER OF THE PARTIES SO CALLED.

May 29. In the spring of the year 1679, the insurrection which is known by the name of the rising of Bothwell Bridge, broke out in Scotland. In the first encounter with the insurgents, which happened at Loudon Hill, Captain Graham, afterwards celebrated as Viscount Dundee, was defeated. When this news was communicated to the council, Lord Russell stood up and began a speech, saying, "he was so far from wondering that this trouble happened now, that he rather wondered it did not happen long ago, since His Majesty thought fit to retain incendiaries near his person, and in his very council." Upon which the Duke of Lauderdale, seeing that he was aimed at, and recollecting the parliamentary addresses against him, asked leave to withdraw. But the King replied, with a motion of his hand, "No, no, sit down, my Lord; this is no place for addresses." *

June 2.

North, who relates this saying, does not hesitate to accuse Lord Shaftesbury and the Whigs of exciting the rebellion, which was the subject of debate. As the only authority he alleges in support of this position, is a rumour in an anonymous pamphlet, that forty copies of a speech of Lord Shaftesbury's had been sent to Scotland, it may seem unnecessary to refute so groundless a charge. But as it has been credited by the impartial Ralph, and as the affairs of Scot-

* North Ex. p. 79.

land may afford a specimen of the temper of the government in general, it is by no means superfluous to enquire into the real causes of the Scotch insurrection.

At the time of the Restoration, it became a question at court, whether prelacy should be re-established in Scotland. Lauderdale, whose sufferings, abilities, and knowledge of his countrymen, gave weight to his opinion, advised, that the presbyterian form of church government should be continued, as more congenial to the religious opinions of the nation. But Clarendon and Middleton advised the restoration of prelacy, in conformity to their own prejudices and the policy of the King's father. Unhappily their counsel prevailed. Middleton, who was sent down as King's commissioner, obtained from an obsequious parliament, not only the measures which had been proposed at court, but an act annulling the four parliaments which had sate since the year 1633. The bishops too were restored, not as they had been during the reign of Charles the First, subject to the controul of a presbytery and synod, but invested with supreme and exclusive jurisdiction in ecclesiastical affairs. All ministers who refused or neglected to secure induction from a bishop were displaced. Three hundred and fifty clergymen were in this manner ejected from their livings. But the people, sincerely attached to the presbyterian worship, followed their pastors, and as they had not houses large enough to hold their congregations, conventicles were held in the open fields. The lukewarm and irregular behaviour of the new clergy tended to promote the secession of their flocks. Upon this proof of the determined spirit of the people, the severities of the government were increased. By an order of the privy council, the ejected clergy were forbidden to approach within twenty miles of their former parishes; declared seditious if they attempted to preach; and all those who presumed to give them subsistence, subjected to the same penalties. And although Middleton was soon afterwards supplanted by Lauderdale, these acts were confirmed, and others still more severe added by the parliament which he assembled. On separation or absence

1663.

from the parish church, landholders forfeited a fourth part of their rents; tenants and citizens a fourth part of their substance, the freedom of their corporations, and the privilege of trade; and were subjected, besides, to whatever corporal punishment the privy council might choose to inflict. The severity of these laws was exceeded by the rigour of their execution. An ecclesiastical commission went round the country, bound by no form of law, and filling the gaols with those who refused to take the oath of supremacy. In the western counties, a military persecution was introduced, and the recusants were ruined by fines arbitrarily imposed, and the unmeasured exactions of the soldiery. After three years' continuance of extreme oppression, the people were driven into an insurrection, but their force was easily beaten and dispersed on the Pentland hills.

1666. Frequent executions, often preceded by torture, took place on that occasion, both in Edinburgh and the country, till an order arrived from court to stop the effusion of blood; and even then the two archbishops, Sharp and Burnet, withheld the order till they had taken away the life of a young preacher named Maccail, whom they barbarously tortured. He expired in the midst of his agony, exclaiming, with sublime enthusiasm, "Farewell, thou sun and moon! the world, and all its delights, farewell! Welcome God, my Father! welcome Christ, my Redeemer! welcome glory and eternal life! welcome death!"

These judicial murders were equalled, if not surpassed, by the military executions in the west, where General Dalziel put to death a son for refusing to discover his father, and a woman for being accessary to the escape of her husband. After this, the King relaxed the severity of his government, and Scotland seems to have enjoyed some repose. In 1669, indeed, the Parliament, always subservient, gave the King a more express power to regulate the church than he had hitherto possessed. This is supposed to have been an artful step of Lauderdale, to pave the way for Popery. In the following year, the storm of persecution rose again with fresh violence. The act against conventicles was renewed, and the preachers were subjected to confis-

cation and death. The penalties on attending conventicles, were made a source of revenue. A youth from school, and a gentleman whose wife had attended a field-meeting, compounded for fifteen hundred pounds sterling. Ten gentlemen, in the shire of Renfrew, were ordered to pay thirty thousand pounds; and many instances are related of similar extortion. But it would be endless to detail the various oppressions and abuses which Lauderdale introduced during his administration in Scotland. Letters of intercommuning (a kind of excommunication) were revived, and thousands of persons were ordered to be left without "meat, drink, house, harbour, or victuals." This active persecution, as might be expected, served only to exasperate. Field conventicles continued to be held, but those who attended them, sallying from hiding-places in the mountains, and furnished with arms for their defence, acquired the habits and ferocity of barbarians. Sharp, finding himself generally hated, and wishing to strike terror into his enemies, brought on the trial of one Mitchel, who, upon a promise of pardon, had, four years before, confessed an attempt to murder him. He was now brought out of prison, and four lords of the privy council, Sharp, Lauderdale, Rothes, and Hatton, did not hesitate to perjure themselves, to procure his condemnation. A copy of the very act of council which promised him his life was produced, but Lauderdale would not suffer the original to be sought for, saying, that four lords of council came not there to be accused of perjury.

Jan. 1678.

It was not long after this, that Sharp, who had pressed the execution of this man, even against the wish of Lauderdale, was barbarously murdered by some fanatics, employed in watching for one Carmichael, a man noted for his cruelty in the execution of his office of commissioner to exterminate conventicles. This savage action, charged by the privy council on the whole body of fanatics, exasperated the minds of the royalists. The field conventicles were ordained to be treasonable, and troops were sent against them, to suppress religion by the sword. The insurrection which followed need scarcely be wondered at. And there is every reason to believe, from the joint testimony of Wodrow and Barillon,

that an insurrection was looked to by the court as the best pretext for increasing the army, and a convenient step to the establishment of despotic power. It is certain, that a numerous body of Highlanders was let loose upon the West early this year; and that no pains were spared to provoke to resistance the unoffending inhabitants. *

Monmouth was appointed to the command of the army sent to quell the insurrection. After the council was over at which his commission was read, Lauderdale followed the King out, and begged him to revoke that part of it which gave Monmouth power to treat with the rebels before using force to subdue them. The King asked him why he had not mentioned this at the council, to which Lauderdale artfully replied, "Were not your enemies at the board?" † Such a minister was the fit servant of a master who could say, after a long examination of some Scottish petitioners, "I find that Lauderdale has done many things against the people of Scotland, but nothing against my service." The commission to Monmouth was altered according to his desire. The defeat of the insurgents at Bothwell Bridge, and the immediate suppression of the insurrection, are related in all the histories of this reign.

When the day approached to which Parliament was prorogued, the same advisers who had concerted the prorogation, being still in fear of Lord Shaftesbury's influence, agreed to move in council for a dissolution. But having neglected to prepare the King's ministers, the Lord Chancellor, and every one present, except the three lords and Sir William Temple, spoke against it. So that when the King declared his determination in favour of these private counsellors, the council broke up "with great rage on the part of Lord Shaftesbury and of Lord Russell, and the general dissatisfaction of the whole board." ‡

A pamphlet published at this time, called "An Appeal from the Country to the City," shows the extreme violence of party. The King is there desired to think himself Henry the Eighth for one month, and told that he will get no money from Parliament, unless he

* Wodrow. Laing. † North. ‡ Temple.

takes off the heads of the Popish faction. The Duke of Monmouth is plainly recommended for the succession, upon the old maxim, that "he who has the worst title makes the best king." Harris, the publisher, when prosecuted, was followed into court by an immense concourse of people, and the jury found a verdict of, "Guilty of selling the book only." A most important precedent.

June. In this place I may mention the trials of many accused of the Popish plot. Five Jesuits, and Langhorne a lawyer, were condemned and executed. But it was remarked, that "as letting blood abates a fever, these executions cooled the heat of the nation." And the uniform protestations of innocence on the part of the condemned did not fail of shaking the credit of the plot. At length, on the trial of Sir George Wakeman, physician to the Queen, the King ventured to exert his influence in favour of the prisoner. It was the more incumbent on him to do so, as the accusation was directed against the Queen as well as her physician. Oates swore that he had seen a letter from Sir George, mentioning the intention of poisoning the King. But the accused, besides many circumstances which rendered the story improbable, proved that Oates, on his examination before the council, had only mentioned a letter from a third person whom he had seen at St. Omers; and being asked if he knew any thing more against Sir George Wakeman, he held up his hands, and protested he did not: and that he had then owned that he did not know his hand, though he now asserted the contrary. These contradictions were exposed in the charge of Chief Justice Scroggs, who having been at first shamefully violent in prosecuting the plot, was now as willing to please the court by bringing it into discredit. The prisoner, and three others who were tried with him, were acquitted. This trial seems to be the point of departure of the two great parties on the subject of the Popish plot. Hitherto, the whole nation had given up their senses and their reason to this favourite delusion. But henceforward, the court and church party seem to have used every means to bring odium upon the witnesses; thus exchanging their fears of Popery for alarms of fana-

ticism. The country party, on the other hand, represented the trial of Wakeman as partial and unfair; and they endeavoured to magnify the danger of the plot, by representing the court as favouring the escape of the conspirators.

Sept. 2. If Shaftesbury's violence during the sitting of Parliament had the effect of alarming the King, his imprudent menace at the time of the prorogation served to bring back the Duke. For the King being taken dangerously ill at Windsor, the three lords who formed the secret cabinet, thought their lives in danger should the King die, and Monmouth obtain possession of the crown.* They therefore advised Charles to send for his brother, who arrived from Brussels, to the great astonishment both of the court and the country. When he came to Windsor, he found his brother recovering, and he was requested to return with as much earnestness as he had been desired to come. He found means, however, by acting on the fears of Essex and Halifax, to change his banishment to Brussels, for retirement to Scotland, and what was still more important, to have Shaftesbury dismissed from his office of President of the Council, and Monmouth deprived of his command of the army. And to complete the triumph of James, this dangerous rival was sent to the place of exile from which he had himself returned.

The elections, as might have been expected, went generally in favour of the country party. The King, grown still more suspicious of his Parliament, and more averse to the troubles of contention, had recourse to his old expedient, the alliance of France. He endeavoured to obtain nine millions of livres from Lewis, to be paid in the course of three years, on the condition that Parliament should not be assembled during that time. He repeatedly represented to Barillon, that this step would place England in the dependence of France for ever. The terms asked by the Duchess of Portsmouth and Lord Sunderland were still higher. The King at length agreed, however, to accept of one million of livres yearly for three years,

* Temple.

with the condition that Parliament should not be assembled during that time.

In the hope that a treaty would be concluded on these terms, Charles told his council, that he had resolved to prorogue his new Parliament for a twelvemonth; and that he would hear no reasons on the subject. But Sir William Temple stood up and said, with great freedom, "That as to the resolution he had taken, he would say nothing, because he was resolved to hear no reasoning upon it; therefore he would only presume to offer him his humble advice, as to the course of his future proceedings, which was, that His Majesty, in his affairs, would please to make use of some council or other, and allow freedom to their debates and advices; after hearing which, His Majesty might resolve as he pleased; that if he did not think the persons or number of this present council suited to his affairs, it was in his power to dissolve them, and constitute another of twenty, or ten, or of five, or any number he pleased, and to alter them again when he would; but to make counsellors that should not counsel, he doubted whether it were in His Majesty's power, or no, because it implied a contradiction."

Oct. 15.

This wise and constitutional speech seems to have had no effect in altering the intention of the King; who had, however, previously left room for a change of counsel, by ordering the immediate prorogation to extend only to the 28th January.

A new plot broke out about this time, which was nick-named the Meal-tub plot. An infamous character, of the name of Willoughby, or Dangerfield, a friend of Bedloe, was released from prison by Mrs. Cellier, a Popish midwife, who obtained the money for that purpose from Lady Powis, a very eminent person of the Catholic religion. He contrived to cajole these two ladies, by pretending a knowledge of a plot carrying on by the Presbyterians. To support his pretensions, he made acquaintance as well as he could with the lower emissaries of the Opposition. He hid a treasonable paper in the bed-chamber of Colonel Mansel; and, by the advice of Mrs. Cellier, took the Custom-house officers there to search for prohibited goods.

He then found the paper he had himself concealed, and immediately called out "Here's Treason!" Some days afterwards, another paper, containing a treasonable association, was found by Sir W. Waller in Mrs. Cellier's house, concealed in a meal-tub. Upon enquiry, it appeared that Dangerfield had seen the Duke and the King, under pretence of discovering a Presbyterian plot, and had received from the Duke twenty guineas. Both parties endeavoured to represent him as an agent of their opponents. But whilst his connection with Mrs. Cellier and Lady Powis was proved and avowed, his intimacy with Lord Shaftesbury was only inferred from two unimportant letters directed to that Lord, which Dangerfield had somehow got into his possession, and had shown to the King. It is probable, that he meant to betray either, or both, as it suited him. We may judge of his character from the following facts. When his pardon was made out for treason, misprision, &c. he complained that forgery had not been inserted! Upon pleading this pardon, however, that he might be entitled to appear as a witness against Mrs. Cellier, she proved a conviction for felony, and an outlawry against him, which had been omitted!

Nov. It was not long before two of the persons who had greatly contributed to the Duke's fortune, retired from the King's council in disgust. Essex left the Treasury, saying, that the Duke had broken his promise of doing nothing without his advice; and that he suspected designs at bottom against religion. Halifax, also, finding himself neglected, retired to his seat in the North, where, as he wrote to Sir W. Temple, though he could not plant melons, he would plant carrots and cucumbers, rather than trouble himself any more about public affairs. The King said that both hung after something he was in hopes they had forgotten. This something probably meant religion and the laws. Yet, though both retired, their conduct at this time was as different as their characters. Essex was a nobleman of the strictest honour, and the most unblemished integrity. The execution of his father, Lord Capel, by the Republicans, during the civil wars, recommended him to the court as a

person likely to feel their resentments and pursue their views, with the zeal of an associate joined to the fidelity of a servant. He was for some time Lord Lieutenant of Ireland, where his administration was remarkable for impartiality and honesty. Upon the dismissal of Danby, he had been appointed to the Treasury, and distinguished his official career, by introducing an exact economy into every department. Useless pensions were retrenched, superfluous tables abolished, and envoys in foreign courts, whose services at home had recommended them to sinecures abroad, were recalled. This economy, indeed, was by no means premature, for upon the entrance of the new commissioners, only 27s. and 3d. (besides appropriated money) were found in the Treasury. * It may be mentioned, as a proof of his constitutional opinions, that when a body of guards was formed, he wrote a strong letter to the King against the project, as likely to raise a suspicion, that an army was to be raised. †

Lord Essex, when he left office, withdrew from the council and joined the Opposition. ‡

Lord Halifax was a man of more wit and fancy than judgment and decision. The colouring of his mind was better than the drawing. He admired justice and liberty in theory: he gave them up for place and titles in practice. He had too keen a perception of errors and faults to act well with others, and too great a share of them himself to gain credit by standing alone. In fine, he was one of the most honest ministers in the reign of Charles the Second, and would have been one of the most corrupt at any other period. He was reckoned the head of the party called Trimmers.

Lord Halifax, though he commended the conduct of Lord Essex,

* Secretary Coventry, July 1679. † Dal. 232.

‡ "As for my Lord," (Essex,) says Mr. Evelyn, "he is a sober, wise, judicious, and pondering person, not illiterate beyond the rate of most noblemen in this age, very well versed in English history and affairs, industrious, frugal, methodical, and every way accomplished." Vol. 1. 487.

soon afterwards returned to the council, and entered, as we shall see, into the King's views.

Lord Radnor had succeeded to the office, but not to the power of Lord Shaftesbury. The management of affairs was vested in Lord Hyde now first commissioner of the Treasury, Lord Sunderland, and Mr. Godolphin. This was a ministry of expedients and fears, attached to the Duke, but afraid of adopting the measures he proposed. *

* I will here give the ballad upon these ministers, part of which is quoted in p. 27., but not so accurately as it ought to have been. It has been attributed to Dryden, but, as Mr. Scott says, "upon slight authority, and contrary to internal evidence." Mr. Scott also remarks, that these verses entailed upon the "young statesmen" who are the subject of them, the names of Chit Sunderland, Chit Lory, &c. in the satires of the day; and I may add, in confirmation of this, that Lady Russell says in one of her letters, (MSS.) "The chits are gone to Althorpe."

Clarendon had law and sense,
  Clifford was fierce and brave;
Bennet's grave look was a pretence,
And Danby's matchless impudence
  Helped to support the knave.

But Sunderland, Godolphin, Lory, *
These will appear such chits in story,
  'Twill turn all politics to jests,
To be repeated like John Dory,
  When fiddlers sing at feasts.

Protect us, mighty Providence!
  What would these madmen have?
First, they would bribe us without pence,
Deceive us without common sense,
  And without power enslave.

Shall free-born men, in humble awe,
  Submit to servile shame,
Who from consent and custom draw
The same right to be ruled by law,
  Which kings pretend, to reign?

The Duke shall wield his conquering sword,
  The Chancellor make a speech,
The King shall pledge his honest word,
The pawned revenue sums afford,
  And then, come kiss my breech.

* Lawrence, Earl of Rochester, son of Lord Clarendon.

The opposition party had got wind of the King's intention of proroguing Parliament, and actively employed themselves in procuring petitions, that it might meet and do business on the 26th January, the day formerly appointed. Seventeen peers presented a petition for this purpose. These were the Earls of Kent, Huntingdon, Bedford, Clare, Stamford, and Shaftesbury, and the Lords Say and Sele, Eure, North, and Grey, Chandos, Grey, Howard, Herbert, Rockingham, Townsend, Hollis, and Delamere. The King was greatly alarmed at this proceeding, and resolved to discourage the petitions at the outset. He sent for the Lord Mayor and Aldermen, when the Chancellor, by his command, told them, that letters tending to sedition and rebellion had been intercepted, desiring those to whom they were addressed to get as many signatures as possible to the petitions, no matter whether of freeholders or not. His Majesty, said the Chancellor, expected that they would not suffer such persons as should sign such petitions, or procure signatures to them, to go unpunished. He ended by quoting an obscure opinion of the judges, given in the second year of James the First, when a question being put to them, whether it was a punishable offence to procure petitions, menacing the King with the discontent of many thousands of his subjects, if he refused their requests, the judges answered, that it was an offence near to treason and felony. Such an opinion, it is evident, even if it had been much more distinct, could have no bearing upon petitions simply desiring the King to meet his Parliament. This distinction was so obvious, that when the crown lawyers came to draw up a proclamation against the petitions, they had great difficulty in framing it, so as to strike the offenders, and disguise the real offence. Jeffries wished to prohibit the framing and present-

Dec. 1679.

So have I seen a king in chess,
(His rooks and knights withdrawn,
His queen and bishops in distress,)
Shifting about grow less and less,
With here and there a pawn.

ing any such petitions; and to command all the peace officers to punish every person acting to the contrary. But Lord Chief Justice North said, with jesuitical refinement, "that the proclamation ought by no means to prohibit the petitioning His Majesty in any case, much less in the case of the parliament; but that it might take notice of certain ill people, who, under the specious pretence of petitioning, went about in a seditious and tumultuous manner, gathering hands to certain papers." And in this manner, in spite of some objections from the Attorney-General, the proclamation was drawn up.

The first petition of the Commons was presented by Sir Gilbert Gerrard, in the name of thousands of His Majesty's subjects, in London, Westminster, and parts adjacent; it spoke of the plot, and requested the sitting of Parliament. The King told them, he looked upon himself as the head of the government, and the only judge of what was fit to be done in such cases. A few days afterwards, another petition to the like effect, from Wiltshire, was presented by Thomas Thynn, Esquire, Sir Walter St. John, and Sir Edward Hungerford. The King asked them, if they came from the grand jury, and upon their replying that they did not, he told them that they came from loose, disaffected people, and desired them not to meddle in his affairs. Petitions from Essex and Berkshire were also dismissed; the first in an insulting, and the second in a contemptuous manner. All these answers were ordered to be printed in the London Gazette, in order to intimidate the country gentlemen; a purpose which they seem to have completely answered; for few, if any more petitions were presented. In order still farther to produce an effect amongst the people, the court party represented the Duke of Monmouth, who had come over, and remained in England, against the King's positive order, as laying the foundation for an insurrection, and the petitions as the preparatory steps of that design. Upon which several addresses were sent up, declaring that the subscribers abhorred the action of promoting petitions. Hence the whole nation became divided into petitioners and abhorrers.

At this time, also, arose the distinction of Whigs and Tories. The origin of these names is well known: that of the parties took its rise from the new circumstances of the country. The Whigs formed a popular party far less enthusiastic in their religious tenets, and less divided in their political views, than that which opposed Charles the First. With the exception, perhaps, of Sydney, who was not in Parliament, none of them wished for any thing more than a regular execution of our ancient constitutional laws; government by Parliament, and trial by jury. The hereditary succession of the crown was in their eyes a rule for the benefit of the people, and not a dispensation of Providence for the advantage of a single family. If at any time, therefore, the observance of the rule became dangerous to the welfare of the community, the legislature was, in their opinion, competent to consider whether that danger was greater than the inconvenience of deviating from the established course.

In carrying on the ordinary government of the country, their chief aim and endeavour was to preserve unimpaired the rights and liberties of the people. If, to obtain these objects, they sometimes asked for the confirmation of privileges which were doubtful, and even the establishment of some that were new, these were only natural steps in the progress of civilisation. For the same rights which, fenced by uncertain boundaries, are, in barbarous times, the occasion of discord and civil war, become, when accurately defined, the safeguard of national tranquillity. A law to be really efficient, must not only be good in itself, but must be easy of execution, and unassailable on every side. A statute enacting the liberty of the press would be of no use, if the administration of justice were not pure; the responsibility of ministers would be a phantom, if the King could grant a pardon previous to impeachment. The Act of Magna Charta itself, as was stated at the end of the last chapter, was frequently violated, and became the cause of the most destructive wars. But its purpose having been completed by the Act of Habeas Corpus and the Bill of Rights, personal liberty and public tranquillity are undisturbed. To the necessity which exists of thus filling up the outline sketched by

rude hands, we must attribute many of the pretensions which Mr. Hume has pointed out as innovations. The Whigs, it must be owned, had generally a leaning towards the dissenters. Nor did this arise only from the love of freedom remarkable in those sectaries. It was connected with a laudable desire for toleration to every sect but one, which was active in its endeavours to alter the government.

The Tories, on the other hand, were attached to the laws as well as the Whigs, but were for leaving entirely to the King, whether or not they should be executed. They considered the crown as a sacred and unalienable inheritance. They held that the rights of the successor to the throne were paramount and indefeasible. And as the Whigs wished to allow liberty as far as could be consistent with monarchy, the Tories desired to give to monarchy every thing that was compatible with safety. Their attachment to the established religion alone was stronger than to the established government. At the time of which we are treating, these two principles were perfectly consistent. Whilst the Tories professed that they never would abandon the Church, the Church declared that no circumstance whatever could alter their allegiance to the King.

It must not be supposed, however, that the Tories, though loud in their professions of unlimited submission, ever seriously meant that they would not resist in an extreme case. They sincerely venerated the laws, and dreaded the subversion of our ancient constitution. Thus, whilst they spoke with abhorrence of resistance to their sovereign, their conduct had a direct tendency to produce it. For their silent acquiescence in acts of petty tyranny encouraged the King to proceed to still greater outrages, till at last no remedy was to be found but in a revolution.

The Whigs, on the other hand, by their persevering opposition, acted in a manner to prevent the necessity of the resistance of which they spoke so much.

These parties, it must be owned, have their foundations deep in

the opinions of the country. As long as there is a body of men in this country attached to Church and King, more than to the constitution, the Tory party will subsist; and as long as there is a large portion of the people who consider monarchy only as the best protection for liberty, the Whig party will flourish.

CHAP. X.

CHARGE AGAINST THE POPULAR PARTY, OF RECEIVING MONEY FROM FRANCE.—ALGERNON SYDNEY.

We have now come to the period at which it is said that the chief members of Opposition were bribed by the French court. I need not inform my readers, that in the dispatches of Barillon, which have been published, there is an account of the sums given to each person. In looking over these lists, which have been so triumphantly brought forward by Dalrymple, the first doubt which arises respects the integrity of Barillon. When we see the characters of Sydney and of Hampden, whose names will always live in the hearts of Englishmen, depreciated upon the authority of a French minister, we naturally enquire whether the witness has any interest in concealing the truth, and whether his character stands equally high with that of the English patriots. In order to answer the first question, we must recollect, that the diplomatic agents of Louis were permitted, nay almost authorized, to pay themselves out of the money entrusted to their care.

But if such peculation was ever permitted, it was in no case more likely to happen than in that of Barillon. He had great interest in representing to his master, that the measures of Opposition were guided by him. He saw them resolved to refuse the supplies, and nothing was more easy than to say, that their conduct was the result of his own intrigues. His connections with the popular party were necessarily secret, and he might put the money in his own pocket, without any fear of detection.

Some passages in Madame de Sevignè's letters give a strong colour to these suspicions. By the first of these he appears to have had a share in the subsidies granted to Charles. In April,

1672*, Madame de Sevignè writes, "Barillon a fait ici un grand sejour; il s'en va, &c.—son emploi est admirable cette annèe; il mangera cinquante mille francs, mais il sait bien ou les prendre." After his final return, she says, "Monsieur de Barillon est riche," † &c.

The first person who seems to have received money from Barillon ‡ for members of parliament is Coleman. Sir John Dalrymple notices this, and refers us to the "Journals of the House of Commons, Nov. 7th, 1678, where Coleman confesses that he got money from Barillon, to be distributed in the House of Commons. §" Any one would suppose, from this passage, that Coleman had so distributed the money. But, strange to say, it appears from the journals, that Coleman, though he received money, and the members of parliament to whom it was to be distributed were pointed out, affirms that he did not distribute it.

This will be seen by the following extract from the Journals of the House of Commons, 7 Nov. 1678.

"Mr. Coleman says, That he received, in the last session, of Monsieur Barillon, two thousand five hundred pounds, which he entrusted him with, to distribute to members of the House of Commons, to prevent a rupture between the two crowns; and that accordingly he had prepared guineas to distribute amongst them, but that he gave none to any member of parliament, but applied them to his own use:

"That the French ambassador demanded an account of the two thousand five hundred pounds; and that he replied, he had distributed it to members of the House of Commons, but desired to be excused as to their names:

"That about the time of the treaty with Monsieur Barillon on this occasion, Monsieur Barillon proposed several members to whom money might be given:

"That to some of them the said Mr. Coleman promised to give it; and told Monsieur Barillon he had done accordingly."

* 22d April, 1672. † 21st March, 1689.

‡ I omit Colbert's transactions, which were quite distinct.

§ Dal. App. p. 201.

Notwithstanding this confession, some persons may believe that the money was distributed by Coleman, and that he was afraid to own it before the House of Commons. But if he had given it to members of the Opposition, who were at that time the most violent in prosecuting him, it is strange that, before his death at least, he should not have revealed a secret so fatal to them. *

Towards the end of 1678, Barillon formed a connection with Montague, as we have seen, to ruin Lord Danby. By his dispatches of 27th October, 24th November, and 22d December, he appears to have been continually busied in extending this party. He seems, by means of Algernon Sydney, to have had some correspondence with Lord Halifax. But in November 1679, the treaty between the two Kings having been broken off, he received orders from Lewis to renew his connection with the popular party. He then tells us, December 14, 1679, that he has seen Lord Hollis, who is well aware that the Court will adhere to the design of governing absolutely, and that France alone can facilitate the success of such a design. He therefore wished the nation might not be stirred up against France, but he refused to accept even the present of a snuff-box from her ambassador. † Barillon then mentions, that, not to give suspicion by too frequent visits to Lord Hollis, he corresponded with him through Sir John Baber, by whose means also he had a strict connection with Mr. Lyttleton. He also mentions connections with Mr. Powle and Mr. Harbord; and these four, he says, have touched what was promised them.

* Whatever difference of opinion may arise on this point, there can be none with regard to the candour and honesty of Sir John Dalrymple.

† I must attribute it to negligence in the late Mr. Rose that he has accused Lord Hollis of receiving money, and that he quotes a dispatch of December 22d, 1678, as giving lists of the members of parliament who received money. This important mistake of a whole year has no doubt been occasioned by a reference, in Barillon's account of the 14th December, 1679, to his former account of the preceding year.[a] Mr. Rose fully accounts for such errors, by saying that he was not employed in writing his book many more weeks than Mr. Fox was years.

[a] Dal. App. 314.

In the same letter he mentions Sydney as having been of great use to him, and his name appears in the account for 500 guineas. But in another dispatch, of December 5. 1680, where he gives a more particular account of these connections, he says the greater part of them could not be made by himself; "few were to be found who would directly treat with, or have any commerce with me, by which they might have exposed their fortunes and their lives. I made use of Mr. Montague, and Mrs. Hervey, his sister; of Mr. Harbord, Algernon Sydney, and Sieur Beber." He tells us afterwards, that Sydney's connections are with obscure people; so that he must be left out of the question. The persons, then, who managed these affairs, were Mr. Harbord, Mr. Montague, Mrs. Hervey, and Sir John Baber. Of Mr. Harbord we know nothing but his parliamentary politics. The character of Mr. Montague is one of the meanest that is to be found in history, and his sister seems to have been concerned in all his intrigues. Sir John Baber was a leader of the Presbyterians, who at one time belonged to Keeper Bridgman *, was at bottom attached to the Duke of York †, and received a regular pension from the Court for selling his party. ‡ I will now put it to the good sense of the reader, whether it is more probable that such a man as Hampden, a gentleman of independent fortune and firm principles, who was afterwards sentenced to pay a fine of 40,000l. and actually paid 6000l. for his liberation from prison, should accept a bribe of 500l.; or that Barillon should be deceived, as he had been before by Coleman, by corrupt and worthless emissaries. It would be the less difficult for them to blind his eyes, as all he wished from the Opposition was to refuse the supplies, which they were already determined not to grant, without the Exclusion Bill; and so little did he dream of influencing them in the choice of a successor, that he did not dare to let them see that he was instructed to oppose the Duke of Monmouth, though his Master had ordered him to traverse his preten-

* Echard. † Barillon. Dal. App. 282. ‡ North.

sions by every means in his power. It seems most probable, upon the whole, that Barillon was persuaded he was buying the first speakers in Parliament, and ruling the decisions of the House of Commons, whilst, in fact, he was only paying a few skilful intriguers. This view is supported by an expression of Algernon Sydney: "You know," he writes to Saville, "M. de Barillon governs us, if he be not mistaken." But his representation of Sydney is still more at variance with itself, than with that great man's established character. Whilst at one moment he represents him as a man of high views, of lofty republican principles, of such strict honour that he could not be supposed to be under the influence of his brother-in-law, Lord Sunderland; he gravely tells us, at another time, that he has nearly gained him with 500 guineas, and that a little more money will make him entirely his! Some persons, perhaps, may be inclined to give credit to the charge against Sydney of having received money, because, fifteen years before, he had offered to the French Court, for 100,000 crowns, to make an insurrection in England. It is extremely improbable, however, that two sums of 500 guineas, which is all that he appears, by Barillon's dispatches, to have received, should have been thought sufficient by Sydney for the purpose of making an insurrection. He may have asked for more, but he would hardly have accepted so little.

No one of common sense, I imagine, can believe that he took the money for himself. His character is one of heroic pride and generosity. His declining to sit in judgment on the King; his extolling the sentence when Charles the Second was restored; his shooting a horse, for which Lewis Fourteenth offered him a large sum, that he might not submit to the will of a despot, are all traits of a spirit as noble as it is uncommon. With a soul above meanness, a station above poverty, and a temper of philosophy above covetousness, what man will be envious enough to think that he was a pensioner of France?

In this place I shall take the liberty of inserting a few words relative to another accusation against Sydney. Mr. Hume says,

that "the ingratitude and breach of faith of Sydney, in applying for the King's pardon, and immediately on his return entering into cabals for rebellion, form a conduct much more criminal than the taking of French gold." Dalrymple, in his florid manner, compares him to Brutus, who disregarded private obligations in a public cause. It is difficult to estimate the amount of the obligation conferred by Charles on Sydney. As he had not sate on the trial of Charles the First, he was not excepted out of the Act of Indemnity. Had he come over immediately afterwards, he could not have been prosecuted or imprisoned, without a breach of law and justice. His father, Lord Leicester, however, wrote to him, that, "though the Bill of Indemnity be lately passed, yet if there be any particular and great displeasure against you, as I fear there is, you may feel the effects thereof from the higher powers, and receive affronts from the lower." * In fact, the law was then so little a protection, that he could not rely upon it without the additional favour of the Court. For this reason, he applied for a passport, which was refused. At length, however, when his father was dying, a passport was granted, and an end thus put to an unjust and illegal persecution. Such is the amount of Sydney's obligation to Charles the Second.

With respect to the other members of the opposition, I do not by any means intend to deny that some of them may have received the money of France. Corrupt men were no doubt to be found in that age, in all parties, and some may have reconciled so mean an act to their conscience by the reflection that they still pursued the true interest of their country. But it is remarkable, that of the twenty persons mentioned in Barillon's last and longest list, not above half were in Parliament, and almost all of those were leaders. Now if any one or two obtained money from Barillon for persons to whom they did not distribute it, or if Barillon himself embezzled the money, the names which would naturally appear in his lists would be those of the speakers who had the greatest reputation. But if the transactions

* Meadley's Life of Sydney, p. 326. Appendix.

were real, it is much more probable that he should have been able to buy the lower and more obscure members of parliament, than those whose fame stood highest for ability and integrity.

I here subjoin the two lists of Barillon. Courtin's, which is dated in one part of Sir J. Dalrymple 15th May *, and in another place 15th July †, 1677, concerns only Lord Berkshire, here called Lord Barker, and six others not members of opposition.

Barillon from 22d December 1678, to 14th December 1679.

Duke of Buckingham	1000	Guineas.
Mr. Sydney	500	
Bulstrode, at Brussels	400	
Beber	500	
Lyttleton	500	
Powle	500	
Harbord	500	

December 5th 1680.

William Harbord	500	Guineas.
Mr. Hamden	500	
Col. Titus	500	
Hermsbrand (Armstrong)	500	
Bennet (once Secretary to Prince Rupert, afterwards to Shaftesbury)	300	
Hotham	300	
Hicdal	300	
Garoway	300	
Francland	300	

* Dal. App. 314. † Ibid. 129.

Compton - - - - -	300	Guineas.
Harley - - - -	300	
Sacheverel - - - -	300	
Foley - - - - -	300	
Bide - - - - -	300	
Algernon Sydney - - -	500	
Herbert - - - - -	500	
Baber - - - - -	500	
Hil - - - - -	500	
Boscawen - - - -	500	
Du Cross, (Envoy from the Duke of Holstein,)	150	
Le Pin, (one of Lord Sunderland's clerks,)	150	

CHAP. XI.

LORD RUSSELL LEAVES THE COUNCIL. — BLACK BOX. — ELECTION OF SHERIFFS. — DUKE OF YORK INDICTED AS A RECUSANT. — HE GOES TO SCOTLAND. — MONMOUTH'S PROGRESS. — MEETING OF PARLIAMENT. — VIOLENCE AGAINST THOSE WHO HAD PROMOTED THE ABHORRING ADDRESSES. — LORD RUSSELL SECONDS A MOTION FOR BRINGING IN THE EXCLUSION BILL. — REASONS IN FAVOUR OF IT. — DEBATES IN THE COMMONS. — THE BILL PASSES THROUGH A COMMITTEE. — MESSAGE FROM THE CROWN. — EXCLUSION BILL PASSED BY THE HOUSE OF COMMONS, AND CARRIED UP BY LORD RUSSELL TO THE HOUSE OF LORDS. — IT IS THROWN OUT. — OBSERVATIONS OF MR. FOX.

THE King had agreed upon the pressing instances of the Duke, that he would recall him from Scotland as soon as Parliament was prorogued; and the 26th January was no sooner passed, than he declared his resolution in Council. Three days afterwards, Lord Russell, Lord Cavendish, Mr. Powle, and Mr. Lyttleton, "distasted at the late prorogation," says Sir W. Temple, "as well as at the manner of it, and pretending to despair of being able to serve the King any longer, in a conduct of affairs so disagreeable to the general humour of the people," asked His Majesty's permission to leave the Council. The King replied, "With all my heart."

Jan. 28. 1680.

A rumour was spread with great industry at this time, which probably owed its origin to Lord Shaftesbury. It was said that a black box was in the possession of Sir Gilbert Gerrard, containing a contract of marriage between the King and Lucy Walters, mother of the Duke of Monmouth. Sir Gilbert Gerrard, when examined before the Council, denied any knowledge of such a box, and the King soon after published a declaration that he never was married to Mrs. Barlow, alias Walters, nor to any other woman but the Queen.

A great contest, attended with much confusion, took place on the election of the sheriffs. Bethel, a presbyterian and republican, who has been severely lashed by the pen of Dryden, and Cornish, a warm friend of liberty, were elected by a great majority. These sheriffs have been accused by North of perverting the course of justice, by making out the lists of juries themselves, instead of leaving that business to the under sheriff, as before; and by using this power to make juries consist entirely of their own friends. This charge, I fear, cannot be disproved.

The Whig party seems now to have been determined to break with the Duke of York beyond the possibility of return. On the 16th of June, Lord Shaftesbury came to the grand jury at Westminster, accompanied by several Lords and Commoners, and indicted the Duke as a popish recusant. The bill was attested by himself, Lord Huntingdon, Lord Russell, Lord Cavendish, Lord Grey, Lord Brandon Gerrard, and many Commoners, amongst whom occur the names of John Trenchard, and Thomas Thynne, Esqrs. The chief justice fearing the consequences of this step, dismissed the grand jury before they had finished their presentments. But though the proceeding went no further in Westminster Hall, it had a very general effect on the minds of the people, and contributed to excite the passions of the different parties in the nation.* It seems also to have produced great impression on the minds of those whose support was most essential to the Duke. Not only Lord Essex, and Lord Halifax, but Lord Sunderland, and Mr. Godolphin, convinced that a party which could take so bold a step must have a deep foundation in the country, advised that James should go out of England. What made the Duke's absence especially necessary at this period, was the approaching meeting of Parliament. For the treaty with France, before-mentioned, having been broken off upon the refusal of Hyde and Sunderland to agree to the unjust conditions proposed by the French ambassador †, the want of money obliged the King to meet his Parliament. Previous to their assembling, he called a Council, in which his brother's

* Temple. † Dal. App. 242.

absence was proposed. The debate was violent, and the majority of the Council appeared to be in favour of the Duke; but the King, supported by Halifax, Essex, Sunderland, and Godolphin, decided the question against him. Mr. Seymour said at the Council Board, that those who voted so readily for the Duke's going away, would vote as readily for the King's leaving the kingdom, if the people wished it. Mr. Godolphin replied, "If the Duke does not go now, he must go in a fortnight, and the King with him." Charles appears on this occasion to have been quite convinced of the necessity of his brother's absence. In this extremity, the Duke saw himself utterly abandoned. He in vain endeavoured to persuade the King to rely upon his troops, and establish his authority by force of arms.* He could only complain to the King that the Crown had not been made independent of Parliament at the Restoration, and that the precedent of the impeachment of Lord Clarendon had made ministers more anxious to court an interest in the House of Commons than to pursue that of their princes.† He told Barillon, that some of the Lords in the Tower had been in the secret of all that had been designed, and he did not understand how his brother should wish to drive all the Catholics to despair.‡

Before he went he asked for a pardon, that he might be secure from impeachment. But this also was refused, and all he could obtain was

* Dal. 265.

† The following sentences form a part of his remonstrance to the King, as he himself records it.

"Had that opportunity been prudently managed which the Restoration afforded, the Crown might have had such a revenue settled upon it, as would have answered all its expenses, and so cut the ground from under the Republicans' feet, who have (*had*) no other to stand on when they invaded the throne. —— But the most fatal blow the King gave himself, was when he sought aid from the Commons to destroy the Earl of Clarendon; by that he put that House again (*in possession*) of their impeaching privilege, which had been wrested out of their hands by the Restoration; and when ministers found they were like to be left to the censure of the Parliament, it made them have a greater attention to court an interest there, than to pursue that of their princes, from whom they hoped not for so sure a support." Life of James, Vol. II. page 492.

‡ Dal. 270.

a promise from the King that he would dissolve the Parliament should they proceed to extremities against him. He at length embarked for Scotland, menacing revenge against his enemies, and assuring Barillon that he was eternally attached to the King of France. He even revolved in his mind the scheme of heading a rebellion in Scotland and Ireland, should his brother consent to the requests of his Parliament.*

In the month of August this year, the Duke of Monmouth made the progress in the west which has been celebrated by Dryden. He first visited Mr. Thynne, at Longleat, and from thence proceeded, from one friend's house to another, to Exeter. He was received every where with joyful acclamations, and at Exeter a band of near a thousand young men, dressed in linen waistcoats and drawers, came out to meet him.

He seems to have been at this time set up by Shaftesbury, and countenanced by the Whigs as a Pretender to the throne, with more confidence than ever. But besides the illegitimacy of his birth, he wanted the qualities fit for a leader. He was deficient in resolution, without which no man can make a figure in public life. His chief attraction with the people was the beauty of his countenance, and the grace of his manner. †

* Dal. 270.

† Whate'er he did was done with so much ease,
In him alone 'twas natural to please;
His motions all accompanied with grace,
And paradise was opened in his face.
With secret joy indulgent David viewed
His youthful image in his son renewed.

Notwithstanding the last line, it has by many been supposed that he was the son of Robert Sydney, commonly called handsome Sydney. Mr. Evelyn says he resembled Sydney much more than the King.[a] And if the biographer of James speaks truth, the circumstance is easily accounted for. Speaking of Monmouth's mother, he says, that after having been in treaty with Algernon Sydney for fifty broad pieces, "as he himself related the story to his R. H." she lived with his brother Robert in Holland, and the latter is said to have hinted that she was with child by him[b], when she left him for the King.

[a] Evelyn's Mem. Vol. I. p. 567. [b] Life of James, Vol. I. p. 491.

The Parliament met on the 21st October, 1680. The King's Speech began with informing the Houses of the new alliance with Spain, which he assured himself could not fail of being grateful to Parliament, and to attain the end he had in view, " if our divisions at " home do not render our friendship less considerable abroad. To " prevent these as much as may be, I think fit to renew to you all " the assurances which can be desired, that nothing shall be wanting " on my part to give you the fullest satisfaction your hearts can wish " for the security of the Protestant religion; which I am fully re- " solved to maintain against all the conspiracies of our enemies, and " to concur with you in any new remedies which shall be proposed, " that may consist with preserving the succession of the Crown its " due and legal descent." The Speech went on to recommend a farther examination of the plot, and a speedy trial of the Lords in the Tower. The King then demanded succours for Tangiers, and concluded by earnest exhortations to union amongst themselves. Mr. Williams was chosen Speaker.

On the 26th October Dangerfield was brought to the Bar, and gave an account of the meal-tub plot. After this, which is represented as a piece of tactics used to impress the House with an idea that the plot was still in vigour amongst the Catholics, Lord Russell rose and said, " Mr. Speaker—Sir, seeing by God's providence, and his Majesty's " favour, we are here assembled to consult and advise about the " great affairs of the kingdom, I humbly conceive it will become us " to begin first with that which is of most consequence to our King " and country, and to take into consideration how to save the main, " before we spend any time about particulars. Sir, I am of opinion " that the life of our King, the safety of our country and Protestant " religion, are in great danger from Popery, and that either this " Parliament must suppress the power and growth of Popery, or " else that Popery will soon destroy, not only Parliament, but all " that is near and dear to us. And, therefore, I humbly move that " we may resolve to take into consideration, in the first place, how " to suppress Popery, and to prevent a Popish successor; without

" which all our endeavours about other matters will not signify any " thing, and therefore this justly challengeth the precedency."

The motion was seconded by Sir H. Capel, and supported by Sir F. Winnington and Mr. Montague, after which it was resolved nem. con. " That it is the opinion of this House that they ought to " proceed effectually to suppress Popery, and prevent a Popish " successor."

The next day Sir G. Gerrard brought before the House the subject of the petitions, and the proclamation which had been issued to discourage them. Mr. Sacheverel moved a vote to assert the right of the subject to petition, to which Sir F. Winnington added another, to declare, " That it is and ever hath been the undoubted right of " the subjects of England to petition the King for the calling and " sitting of parliaments, and redressing of grievances. 2d. That to " traduce such petitioning as a violation of duty, and to represent it " to His Majesty as tumultuous or seditious, is to betray the liberty " of the subject, and contribute to the design of subverting the " ancient legal constitution of this kingdom, and introducing arbi- " trary power. 3d. That a committee be appointed to enquire " after all such persons that have offended against the right of the " subject."

These votes were unanimously agreed to, and three days afterwards Sir F. Withins was expelled, for promoting and presenting an address, expressing an abhorrence of the act of petitioning His Majesty for the calling and sitting of parliaments.

This vote appears at first sight arbitrary and unjust; but if we consider that the tendency of these addresses was to deprive the subject of parliaments, which is not only one of our most valuable rights, but the guardian of all the rest, and that their direct consequence would have been to depose two of the estates of the realm, we shall rather conclude that the severity shown by the House of Commons is at least excusable.

Yet it is not to be denied, that the rage of the Commons against those who had obstructed their meeting carried them to unjust and

arbitrary proceedings. Not contented with punishing their own members, they sent their serjeant to take into custody persons even in Northumberland and Yorkshire, suspected of promoting the addresses. This practice became so oppressive, that the people began to turn their suspicions of an arbitrary King into fears of an arbitrary Parliament. A Mr. Stawell, a gentleman of good family in Devonshire, acquired great popularity by refusing to submit to the arrest. The House, to avoid a discussion of the question, gave him a month's time for his appearance. Mr. Hume says, that his vigour and courage put an end to the practice.* The Commons did not pass over the violent and intemperate threats which had been used by Sir George Jeffries, and, in an address to the King, they desired that he might be removed from all his public offices and employments under the Crown. The King hesitated to agree to this prayer, but Jeffries himself took the alarm, and not only gave up all his offices, but received a reprimand on his knees at the Bar of the House of Commons. The King wittily remarked, that Jeffries was not parliament-proof. The Attorney-General being next brought to the Bar, was asked who had assisted him in drawing up the proclamation; and, after several refusals to answer the question, he was at length induced to name the Lord C. J. North. Upon which an impeachment was ordered against him; but though a committee was named, the accusation against him was not found to be sufficient to build a legal charge upon.

Nov. 2. On the 2d November Lord Russell seconded a motion, made by Colonel Titus, "That a committee be appointed "to draw up a bill to disable James Duke of York from inheriting "the imperial crown of this realm."

It may naturally excite some surprise to find Lord Russell proposing so violent a measure as the exclusion of the legal successor to the throne. He was loyal in his disposition, and zealously attached

* Roger Coke mentions a person of the name of Herring, who having absconded, the House threatened to proceed against him by bill, ten days after the vote mentioned in the text. But it would seem by the Journals, (14th Dec. 1680.) that his offence was of a different nature.

to hereditary monarchy. He was of a temper which inclined to moderate measures, and had on a former occasion supported the plan of limitations. The difficulty of carrying the Bill of Exclusion must have forcibly struck him; for the Peers were known to be favourable to the Court, and the Clergy were, as usual, engaged on the side of prerogative and legitimacy: and if, as it was afterwards loudly proclaimed in Parliament, there was a loyal party, determined, in spite of all laws, to assert the right of James, a wise patriot, it may be said, would never concur in the formation of an Act which entailed resistance, and made a provision for civil war. There was some force, too, in the arguments of the opposers of this Bill, that the last time an endeavour had been made to regulate the succession by Act of Parliament, the general will of the people had overthrown the law, though then, as now, the heir to the Crown was of a religion different from that of the nation. These considerations might have had some weight in Lord Russell's mind, and probably restrained him from joining Lord Shaftesbury when he first promoted the Exclusion Bill. On the other hand, his affection to the reigning family must have been shaken by remarking how frequently they had violated the liberties, and betrayed the interests of the country they were called to govern. James the First had torn with his own hand the remonstrance of the Commons from their Journals: Charles the First had set at defiance all law and order, when he seized, in the House of Commons, five members who were obnoxious to him: Charles the Second, restored by an indulgent nation, had become the pensioner of France, her greatest enemy, and a promoter of Popery, the object of her continual dread. His conduct was only moderated by love of ease, and an instability of temper which unfitted him for great enterprizes. But his brother James was so bigotted in his religious principles, and so arbitrary in his notions of government, that there could be little doubt he would endeavour, immediately on his coming to the throne, to introduce the Roman Catholic religion, and lay aside parliaments. These apprehensions have been fully confirmed, and more than justified by subsequent events. There was also reason to fear that he

would avail himself, as Charles had intended to do, of the military assistance of France; and that, amongst the divisions of the times, he would gain at least one party in the nation to his support. His neglect in both these particulars implies an extreme of folly and arrogance, which could not fairly be an element of calculation, and forms another instance of the truth of the proverb, "Quem Deus vult perdere prius dementat!"

If the existing actual danger was so imminent as to justify the strongest remedy, the obstacles to the Exclusion Bill were not, in their own nature, so insurmountable as they afterwards became by force of circumstances. The tenacity of the House of Lords to the principles of legitimacy might have been overcome by the perseverance of the Commons, as it was afterwards at the Revolution, when they refused to declare the throne vacant; and with regard to the Court, it was to be observed that Charles had never been steady to any man or any measure. It has even been said that if he could have been assured of 600,000l. from the Commons, he would have agreed to the exclusion of his brother. But they suspected his sincerity, probably with reason. The Duchess of Portsmouth was induced, partly by her fears of impeachment, and partly by her hopes of her son's succession, to be zealous in favour of the exclusion. The Duke of Monmouth promoted it as an opening to his own designs on the Crown; and the Prince of Orange, probably with like intentions, encouraged Pensionary Fagel to send a strong memorial in its support. Lord Sunderland, Lord Essex, and Mr. Godolphin, secretly favoured it in the Council. That the part taken by Lord Russell was of no trifling importance, is sufficiently plain from a passage in Sir W. Temple, where he mentions, as one of two circumstances that had great influence on the House, the lead which Lord Russell took in promoting the Bill.

The motion for bringing in the Bill was supported by Sir H. Capel, Mr. Boscawen, Sir F. Winnington, Colonel Birch, &c. They urged that every endeavour had been made, but without success, to find another expedient: that any other law would give the Duke of York

such a command both of the army, and of the revenue, that he would be enabled to make those inroads on our constitution, in church and state, which he had been so long promoting.

On the other hand, the motion was opposed by Mr. Garroway, Mr. Lawrence Hyde, Sir C. Musgrave, and Sir R. Graham, who severally spoke for expedients; but the greatest ability was displayed by Mr. Seymour:—"Sir, I must confess," he said, "I am very "much against the bringing in of this Bill; for I think it a very un-"fortunate thing, that, whereas His Majesty hath prohibited but one "thing only, we should so soon fall upon it. I do not see there is "any cause why we should fear Popery so much as to make us run "into such an extreme. We are assured there can be no danger "during His Majesty's life; so, upon an impartial examination, we "shall find there can be no great reason for apprehension after his "death, though the Duke should outlive and succeed him, and be of "that religion. Have we not had great experience of his love for this "nation? Hath he not always squared his actions by the exactest "rules of justice and moderation? Is there not a possibility of being "of the Church, and not of the Court, of Rome? Hath he not bred "up his children in the Protestant religion; and showed a great "respect for all persons of that profession? Would it not be a dan-"gerous thing for him (I mean in point of interest) to offer at any "alteration of the religion established by law? Can any man "imagine that it can be attempted without great hazard of utterly "destroying both himself and family? And can so indiscreet an "attempt be expected from a Prince so abounding in prudence and "wisdom? But though we should resolve to have no moderation "in our proceedings against Papists, yet I hope we shall have some "for ourselves. It cannot be imagined that such a law will bind "all here in England, or any in Scotland; and it is disputed "whether it will be binding in Ireland: so that, in all probability, it "will not only divide us amongst ourselves, but the three kingdoms, "one from the other, and occasion a miserable civil war. For it "cannot be imagined that the Duke will submit to it; and to disin-

" herit him for his religion, is not only to act according to the Popish " principles, but to give cause for a war with all the Catholic princes " in Europe; and that must occasion a standing army, from whom " there will be more danger of Popery and arbitrary government, " than from a Popish successor, or a Popish king."

The Bill was agreed to be brought in, and was read a first time on November 4th. On this day, Sir Leoline Jenkins objected to the Bill, on the grounds that it was unjust to condemn a man unheard; that it was contrary to the principles of our religion to dispossess any one of his right, because he differed in point of faith; that the Kings of England have their right from God alone, and that no power on earth could deprive them of it; that this Bill would alter the law of the land, and make the Crown elective; and that Parliament, as well as all the King's subjects, were bound by the oath of allegiance, and could not disinherit the heir of the Crown. These arguments of the Secretary of State were fully answered by Mr. Hampden, and by Mr. Booth, afterwards Lord Delamere. Mr. Hampden said, " Sir, " I do not understand how it can be construed, because we are " about to disinherit the Duke, that therefore it must be for his re- " ligion. For my part, I do approve of the Bill; but it is because " the opinions and principles of the Papists tend to the alteration of " the government and religion of this nation, and the introducing, " instead thereof, of superstition and idolatry, and a foreign arbi- " trary power. If it were not for that, I am apt to think the Duke's " being a Papist would not be thought a sufficient cause for the " House to spend time about this Bill." *

Mr. Booth said, " If the Duke be excluded, you are told how unjust " it is to take away his right from him; that the crown is his inherit- " ance, if he survive the King; and besides, you provoke him, and all

* This was the best ground upon which the Bill of Exclusion could be placed; and every reader of the history of these times, who may be disposed to accuse the Whigs of intolerance towards the Papists, ought to recollect that their principles tended to the alteration of the government and religion of the nation. In our days, however, there is no more danger of the re-establishment of the Roman Catholic faith, than of another invasion from the Romans.

" the Papists in England, to rise and cut our throats. On the other
" hand, it is plain, that when we shall have a Popish King, our religion
" and laws are not secure one moment, but are in continual danger.
" So that the case, in short, is this: whether we shall sit still, and put it
" to the venture of having a Popish successor; and in that case we
" must either submit our heads to the block, or fight and be rebels; or
" else to have a law that will justify us in defending our religion and
" laws: in plain English, whether we would fight for or against the
" law. I think I have put it right; and now let every man make his
" choice that loves either his God or his country. As to the Duke's
" right to the crown, I wish it were clearly known what sort of right
" it is he claims, and whence he derives it; he is not heir apparent,
" neither do I think that our law knows any such thing as an heir to
" the crown, but only as a successor: and therefore neither the Duke,
" nor any other whatsoever, can pretend the same title to the crown as
" the son of a subject can to his father's estate after his decease:
" for, with subjects, they do not succeed but inherit. It is not so as
" to the crown; for there they succeed: and it is from a not rightly
" considering the word heir, as it is a synonimous term with that of
" successor, that has made so many to be deceived in the Duke's
" title to the crown: for this word heir to the crown was not
" heard of till arbitrary power began to put forth. Before William
" the Conqueror's time, it would have been a senseless word, when
" the people set up and pulled down as they saw cause: and till
" Queen Elizabeth it was not much in fashion, when the crown was
" so frequently settled by act of parliament, and the next of blood
" so often set aside; when the son seldom followed his father into
" the throne, but either by election in the lifetime of his father, or
" else by act of parliament. So that, to make the Duke either heir
" apparent or presumptive to the crown, it must be proved either by
" the constitution of the government, or by some law or act of par-
" liament. If, therefore, he has a title to the crown, it is necessary
" to know what it is, and whence he has it; but if he has none, it
" is not unjust to pass the Bill, or any other where he shall be par-

" ticularly named; but I will say no more of this, lest I may seem
" to be against kingly government, which I am not."

On the 8th November, the Bill passed through a committee, was agreed to, and reported to the House. Proceedings so speedy, and a consent so general, alarmed the Court; and a message from the Throne was sent down in these terms:—

" His Majesty desires this House, as well for the satisfaction of his
" people, as of himself, to expedite such matters as are depending
" before them relating to Popery and the plot; and would have
" them rest assured that all remedies they can tender to His Majesty
" conducing to these ends, shall be very acceptable to him, provided
" they be such as may consist with preserving the succession of the
" crown in its legal course of descent."

It is obvious that this message was only a manner of informing the House that the King would never agree to the Bill of Exclusion. But the Commons chose to attend only to the first part of the message. Many took occasion to observe, that it was strange that the King, who had prorogued Parliament for more than a year, should now find fault with them for the delay of a fortnight; and a committee was appointed, of which Sir William Jones (introduced the same day) was chairman, to draw up an answer to that effect. They at the same time resolved on the prosecution of Lord Stafford, and informed the King that they should soon be ready for the trial. Thus the irregular interference of the King was to little purpose. Indeed, many of his friends thought that it would have been a wiser part in him to have been silent, and have left the odium of rejecting the Bill entirely to the Lords. But it was thought necessary, by some ostensible act, to counteract the misrepresentations of Shaftesbury; and the anxiety of a King in behalf of the succession of his brother, was likely to produce a favourable effect on the minds of his people. On the debate in Council on this message, Lord Halifax first manifested his zeal against the Bill, and entirely separated himself from Sunderland, Essex, and Godolphin, who were its secret friends, and wished not to throw it out of the House of Lords at the first reading.

The third reading of the Bill occasioned a long debate. Sir Leoline Jenkins again spoke against it; and Mr. L. Hyde, on the same side, said, that if the law was passed, there was a loyal party which would never obey it, but would think themselves bound by their oath of allegiance and duty, to pay obedience to the Duke! He remarked that the proviso, ordered to be added for the security of the Duke's children, did not include the words "presumptive heir to the Crown." He was answered by Sir William Jones, a profound lawyer, and a man of great eminence, who maintained, as Mr. Booth had done, that the words "presumptive heir to the Crown" were totally unknown to our law-books; and that the succession of the Duke's children was secure without them.

Nov. 15. 1680. The Bill now passed the Commons, and Lord Russell was ordered to carry it up to the House of Lords for their concurrence. He did so four days afterwards. We are told, in the Life of James, that many members wished the Bill to be kept back for a short time longer, not thinking the Lords sufficiently prepared; but that Lord Russell, carried on by his exceeding ardour on this occasion, and having the Bill in his hand, ran away with it in spite of all opposition. Finding they could not withhold him, many members accompanied him, and, when it was delivered, gave a mighty shout.

In the debate on the first reading, Lord Essex and Lord Shaftesbury were the chief speakers for it, and Lord Halifax against it. The King was present all the time, and the whole House of Commons, having adjourned their proceedings expressly for this purpose, attended the debate. On a division the Bill was lost, 63 being against it, and only 30 for it. The Lord Sunderland, to the great surprise and displeasure of the King, appeared in the minority. The great majority on this occasion is not difficult to account for. Besides the bishops, whose principles and interest were both against the Bill, there were a number of Lords, either attracted by the distinctions and swayed by the pleasures of the Court, or unable to withstand the personal canvass of the King. In the debate, the party against the exclusion derived great advantage from the ready wit and ingenious eloquence of Lord Hali-

fax. For, unhappily, this very able man, though pursuing the same objects as Lord Essex and Lord Shaftesbury, had so great a respect for his own wisdom, that he preferred leaving our religion and liberty without any security, to accepting that which was devised by the judgment of his political friends. *

Lord Halifax proposed, as an expedient to secure the country from the dangers apprehended, that the Duke should be banished for life. The Whigs were totally averse to this proposal, and James himself dreaded it still more than the Exclusion Bill. †

I shall conclude this chapter with the excellent observations of Mr. Fox, on the comparative merits of the Bill of Exclusion and the plan of limitations.

" To those who acted with good faith, and meant that the restric-
" tions should really take place and be effectual, surely it ought to
" have occurred, (and to those who most prized the prerogatives of
" the Crown, it ought most forcibly to have occurred,) that in con-
" senting to curtail the powers of the Crown, rather than to alter the
" succession, they were adopting the greater, in order to avoid the
" lesser evil. The question of what are to be the powers of the
" Crown, is surely of superior importance to that of who shall wear
" it? Those, at least, who consider the royal prerogative as vested
" in the King, not for his sake, but for that of his subjects, must con-
" sider the one of these questions as much above the other in dignity,
" as the rights of the public are more valuable than those of an in-
" dividual. In this view, the prerogatives of the Crown are in sub-
" stance and effect the rights of the people; and these rights of the
" people were not to be sacrificed to the purpose of preserving the
" succession to the most favoured prince, much less to one who, on

* It is more conformable to the character of Lord Halifax to suppose him swayed by the motive I have assigned to him, than by personal animosity against Shaftesbury. Yet he no doubt viewed with apprehension the prospect of Monmouth succeeding to the throne. It would appear, both from Burnet and Temple, that his quarrel with Shaftesbury was rather an effect of his opposition to the Exclusion Bill, than the cause of it.

† Life, Vol. I. p. 635.

" account of his religious persuasion, was justly feared and suspected. " In truth, the question between the exclusion and restrictions seems " peculiarly calculated to ascertain the different views in which the " different parties in this country have seen, and perhaps ever will " see, the prerogatives of the Crown. The Whigs, who consider " them as a trust for the people, — a doctrine which the Tories them- " selves, when pushed in argument, will sometimes admit, — naturally " think it their duty rather to change the manager of the trust, than " to impair the subject of it; while others, who consider them as the " right or property of the King, will as naturally act as they would " do in the case of any other property, and consent to the loss or " annihilation of any part of it, for the purpose of preserving the " remainder to him whom they style the rightful owner. If the " people be the sovereign, and the King the delegate, it is " better to change the bailiff, than to injure the farm; but if the " King be the proprietor, it is better the farm should be impaired, " nay, part of it destroyed, than that the whole should pass over to " an usurper."

A doctrine, entirely similar in its scope and purport to the opinion here given by Mr. Fox, is laid down by Lord Russell, in the paper which he delivered to the sheriffs on the scaffold: " As to the limitations that were proposed," he there says, " if they were sincerely offered, and had passed into a law, the Duke then should have been excluded from the power of a King, and the government quite altered, and little more than the name of a King left; so I could not see either sin or fault in the one, when all the people were willing to admit the other; but thought it better to have a King with his prerogative, and the nation easy and safe under him, than a King without it, which would breed perpetual jealousies and a continual struggle."

CHAP. XII.

DISAPPOINTMENT OF THE COMMONS. — ADDRESS TO THE THRONE. — TRIAL OF LORD STAFFORD. — DOUBTS STARTED BY THE SHERIFFS RESPECTING HIS EXECUTION. — BILL OF ASSOCIATION MOVED BY LORD CAVENDISH. — THE KING ASKS FOR SUPPLIES. — ANSWER OF THE COMMONS. — ENQUIRY INTO THE CONDUCT OF THE JUDGES. — IMPEACHMENT AGAINST CHIEF-JUSTICE SCROGGS. — DISPUTES BETWEEN THE KING AND THE HOUSE OF COMMONS, ON THE SUBJECT OF THE EXCLUSION BILL. — PROROGATION AND DISSOLUTION. — ELECTIONS.

THE loss of the Exclusion Bill occasioned, as might have been expected, great indignation in the Commons. Lord Russell is said to have exclaimed, with a violence unusual to his nature, "If my own father had been one of the sixty-four, I should have voted him an enemy to the King and kingdom." * Every one acquainted with him knew that he was the last man in the country capable of acting with such barbarous patriotism.

The resentment of the Commons appeared in a signal manner on a debate upon the King's message, asking supplies for the support of Tangier. Sir William Jones, after some observations on the use that had been made of Tangier, as a nursery for Popish soldiers, broadly argued, that it would be imprudent in the House to grant any money to the Crown, till they should be satisfied that it would not be employed to the destruction of the Protestant religion. He was supported by Lord Russell, who declared that whenever the King should free the House from the danger of a Popish successor, and remove from his Council and places of trust all those that were for the Duke's interest, he should be ready to give all he had in the world; but, till then, a vote of money would only have the effect of destroying themselves with their own hands.

* Oldmixon.

Lord Russell was followed by Sir William Temple, now for the first time a member, who observed, that the debate had become one on the state of the nation, and that by the vote of that day it would be discovered whether the Commons intended to support the alliances made by the Crown. He urged the importance of Tangier, and the small expense it would occasion, but he pressed the House to this grant more forcibly in consideration of the low state of the Protestant interest abroad. He intreated the Parliament to come to an agreement with the King.

Notwithstanding this speech, an address was ordered to be drawn up, humbly representing the dangerous state and condition of the kingdom, in answer to His Majesty's message. This address was in effect a remonstrance, or abstract of all the grievances of the subject, the whole of which were attributed to the design carrying on to introduce Popery. It ended with declaring, that if such designs should succeed, the Commons freed themselves by this protest from the guilt of the blood and devastation which was likely to ensue.

But the Commons were not satisfied with stopping the supplies, and delaying the business of the country: they resolved to proceed against those who had been the most forward in opposing the Bill of Exclusion. As no special crime could be urged against Lord Halifax, they voted an address to the King, to remove him from his presence and councils, on the ground of the Earl's having advised the late prorogations. Lord Russell, and Sir William Jones, who had formerly been friends of Lord Halifax, were silent on this question.* The King, in his answer, said that he did not think the reasons given in the address sufficient to induce him to remove the Earl of Halifax. "But whenever the House," he added, "shall, in a due and regular "course, prove any crime, either against the said Earl, or any other "person, who either now is, or hereafter shall be, in his council, he "will leave him or them to their own legal defence, without inter-"posing to protect them." By these words he tacitly gave up the

* Burnet.

power assumed in the case of the Earl of Danby. Mr. Seymour, the great opponent of the Exclusion Bill in the Commons, was impeached for diverting money, when treasurer of the navy, to other purposes than those to which it had been appropriated. It is impossible to say whether this charge was founded, or not, but the use made of it at this time to punish a very different offence, was factious and ungenerous. The Commons next proceeded to the trial of Lord Stafford, one of the five Popish lords in the Tower. He had to contend not only with the improbable evidence of Oates, Dugdale, and Turberville, but also with the legal talents of Maynard, and Jones; and he was found guilty by 55 peers, against 31 who acquitted him. Amongst those who voted him guilty, were the Duke of Lauderdale, Lord Guildford, Lord Sunderland, Lord Nottingham, and Lord Anglesey, all staunch supporters of the prerogative. Lord Stafford, after his condemnation, told Burnet, who had been sent to him to procure a confession, rather than a conversion, that he could give information very interesting to the nation, which would implicate the Duke of York, and other great men, little suspected; and he desired to know if he might obtain a pardon for the discovery. Doctor Burnet communicated his answer to Lord Russell, and others, who said that if he told the whole truth, they would do all they could in his behalf. Upon this, he asked to be brought to the House of Lords, where he began a history of all the counsels that had taken place in concert with the Duke of York, since the King's restoration, for the re-establishment of the Catholic religion, by means of a toleration. But upon the mention of Lord Shaftesbury as one of the conspirators, there was great tumult in the House, and he was desired to withdraw.*

Both Lord Shaftesbury and the Duke were enraged with this attempt to impeach them; and no effort in Lord Stafford's favour could have been afterwards made with success.

* It is said, in James's Life, that Doctor Burnet was not allowed to see Lord Stafford without the presence of a warder, and all this story is tacitly contradicted. But Burnet's positive evidence weighs, with me, more than this implied denial.

The sheriffs, Bethel and Cornish, did not allow the last scene of Lord Stafford's life to pass without debate. The King having, upon the prayer of the House of Lords, remitted that part of the sentence which ordered him to be drawn and quartered, they put the following queries to the House of Commons: —

1st. Whether the King, being neither judge, nor party, can order the execution?

2d. Whether the Lords can award the execution?

3d. Whether the King can dispense with any part of the execution?

4th. If the King can dispense with some part of the execution, why not with all? *

Serjeant Maynard said that he considered these questions as an artifice of the Papists to make a difference between the Lords and Commons. Sir William Jones, though he allowed that, according to Lord Coke, a nobleman, judged to be hanged for felony, could not legally be beheaded by the King's warrant, observed that Englishmen were in their nature not severe, and that the substance of the sentence might be performed without the circumstance. He concluded, by moving this extraordinary vote, which passed without opposition: — "That this House is content that execution be done upon Lord "Stafford, by severing his head from his body."

Lord Russell is said to have been one of those who approved of the barbarous interference of the sheriffs. Echard is the only authority I know for this story. † His words are, speaking of Lord Russell, "Whatever may be said of his standing up for the liberties of his country, he can hardly be cleared from thirsting after the blood of others; especially the Lord Stafford, against whom his zeal transported him so far, that he was one of those, who, with Bethel and Cornish, questioned the King's power in allowing that Lord to be only

* The reader will observe how different this is from Mr. Hume's way of stating the question of the sheriffs,—"Since he cannot pardon the whole," said they, "how can he have power to remit any part of the sentence?" Hume, vol. viii. p. 143.

† Echard, vol. ii. p. 694.

beheaded." Burnet, Kennet, Reresby, North, and Evelyn, are silent on the subject. It does not appear by the Parliamentary History of Grey, Chandler, or Cobbett, that Lord Russell took any part in the debate in the Commons; and I know not that Mr. Hume had any authority for saying that "Lord Russell, notwithstanding the virtue and humanity of his character, seconded in the House the barbarous scruple of the sheriffs." Yet the testimony of Echard is sufficient for inducing us to think it probable, that Lord Russell, in some way or other, gave his approbation to the queries of the sheriffs, and it is undoubtedly the circumstance, if true, the most to be lamented in his whole life.

It is the privilege of the philosopher, and the duty of the historian, to mark such actions with unqualified censure. But to men engaged in the business of public life, such an occurrence may suggest further reflections. They must feel how much of their conduct, even when directed to the most laudable objects, must be tinged by the errors attached to hasty judgment, the confidence inspired by party fellowship, and the violence roused by perpetual contention. How many of their most applauded scenes want a defence in the eye of reason! how much of what is now their boast will require an apology at the tribunal of posterity!

It is, no doubt, the observation of these errors, which has often led men of scrupulous delicacy into a worse fault, and induced them to decline all co-operation in political concerns. They thus become totally useless to their country; and to avoid the chance of being wrong, omit the opportunity of performing durable and essential services.

There is one more observation to be made on the conduct of Lord Russell on this occasion. It must not be supposed that he wished to aggravate the pain of Lord Stafford's situation. His motive, no doubt, was, as Mr. Fox has remarked, to prevent the Crown from assuming the power of remitting the whole, as well as a part of the punishment.

The blood of Lord Stafford was nearly the last that was shed on account of the Popish plot. The Court, and their instruments, the

judges, had begun to discountenance the witnesses some time before. The Commons were entirely engaged in the dangers of the succession, and had received, as we have seen, a reproach from the Throne on their remissness, before they turned from that subject to the trial of the Lords in the Tower: and the people themselves, moved by the age and infirmities of Stafford, were awakened from their fears by the spectacle of his execution, to the feelings of pity, and a more correct use of their judgment.

Dec. 15. On the 15th December, the King made a speech to the Houses, putting them in mind of his alliances, and the state of Tangier, and asking what it was they desired from him.

The House, instead of immediately proceeding to the consideration of the King's speech, appointed the ensuing Saturday for that business, and then resolved itself into a grand committee to secure the kingdom against Popery and arbitrary government. Lord Cavendish moved for a Bill, for the association of the King's Protestant subjects. This measure was ably opposed by Mr. Harbord, who remarked, that ever since the trial of Wakeman, the clergy had preached up the danger of fanatics to be greater than that of Papists, and that to disinherit the Duke was against the law of God. He therefore feared that the present Bill might serve to show the divisions among the Protestants, and be at last evaded. The Bill itself was an imitation of one of Queen Elizabeth, to prevent a Popish successor *; but, as Sir William Jones observed, all the privy counsellors were then for the interest of the Queen; whereas they were all now for that of the successor. This, and the other objections before-mentioned, probably determined the promoters of the Bill not to press it with great eagerness.

On the 17th, the House made further resolutions for bringing in several Bills. One for more effectually securing the meeting and sitting of parliaments; another, enacting that the judges should be

* See this Bill at length, in the Harleian Miscellany, vol. vii.

appointed during good behaviour; and another, to make illegal exaction of money upon the people high-treason.

On the 18th, the day appointed for taking the King's speech into consideration, Mr. Hampden, after a long speech, moved for an address, to assure the King, that when he should be pleased to grant such laws as were necessary for the security of our religion, they would be ready to give him what money his occasions might require.

He was followed by Lord Russell, who said, "Sir, seeing it so "apparent that all our fears of Popery arise from and center in the "Duke, and that it is impossible the affairs of this nation should "ever settle on a good Protestant bottom as long as there is a Popish "successor, which cannot be prevented but by the Succession Bill; "that there may be no ill construction made of our desires, I would "humbly move you to offer to supply the King with what money "he may need for the support of Tangier and alliances, upon his "granting of the Succession Bill only; that so His Majesty may "have no reason to be diffident of us; not doubting but that if we "can once lay a foundation for a good correspondence, that His Ma-"jesty will take so much content in it, beyond what he doth now "enjoy, that, to preserve it, he will afterwards grant us what more "Bills may be further necessary for the security of the Protestant "religion. And therefore I am not for clogging this address with any "request for any thing more than that one Bill."

This speech shows, that however unwilling Lord Russell may have been to engage in the Exclusion Bill, he was fully sensible, that when once in forwardness, it ought to be pursued with firm and undeviating constancy.

He was supported by Sir W. Jones, who said, with profound judgment, "Without the Exclusion Bill, there can be no expedient but "what will leave us in that miserable condition of having, first "or last, a contest with our legal King; and there can be no such "thing as setting up a power to oppose him, but by putting a kind "of supreme authority in the Parliament, with a power to oppose,

" as well by making war, as laws, which might prove the destruction " of the monarchical government."

The House, however, misled by Mr. Garroway, was in favour of representing all grievances at once; and in the address which was voted on the 30th, we find, besides a petition to the King that he will give his assent to the Exclusion Bill, when tendered to him in a parliamentary way, other requests concerning the judges, the lord lieutenants and deputy lieutenants, justices of the peace, and officers of the army and navy.

A Bill was next brought in to exempt Protestant dissenters from the penalties to which they, as well as Papists, were liable by the 35th of Elizabeth. This Bill passed both Houses; but when the King prorogued the Parliament, he privately ordered the clerk not to present it to him.

One of the most important labours of this session, was an enquiry into the conduct of the judges. The most obnoxious of these was the Lord Chief Justice Scroggs. Lord Russell introduced, at the Bar of the House of Commons several witnesses, who proved that a grand jury of Middlesex had been dismissed in an irregular manner, when they were about to present the Duke of York as a Popish recusant, and to deliver a petition for the speedy meeting of Parliament. In the debate which followed, Mr. Sydney mentioned that there had been a consultation of the judges about printing; and that they gave their opinion that there was no way to prevent printing by law, as the act concerning it had expired. Upon which, some of the judges were put out, and new ones put in; and a fresh opinion was given, subscribed by all the judges, " That to print or publish any " news-books, or pamphlets of news whatever, is illegal; that it is " a manifest intent to the breach of the peace, and the offenders may " be proceeded against by law for an illegal thing." In consequence of this opinion, a proclamation was issued to forbid printing news without the King's permission; and Scroggs sent a messenger to seize all unlicensed books and pamphlets of news, and to apprehend their authors.

These facts were strongly commented on by the Whig members. No wonder, it was said, that petitioning for a parliament was discountenanced in the country, when a judge in Westminster-Hall made it a ground for discharging a grand jury, occupied in the execution of their duty.* Such a proceeding amounted to a denial of justice, and was, in fact, a suspension of the laws: for laws themselves are but dead letters, unless their execution is secured.† The government of Scotland, it was urged, had been quite altered since the Restoration, by some new laws; and that of England might be soon changed by the perversion of the old.‡ The proclamation concerning the press was, in fact, an assumption of legislative power. It was remarked, that an extra-judicial opinion of the judges brought Charles the First into a contest concerning ship-money, and was the beginning of all his difficulties.§ It behoved the House of Commons, then, to arrest the judges in a course which might prove so fatal both to King and people. Nothing was said on the other side: the discharging of a grand jury, while matters are under their consideration, was voted arbitrary and illegal; and a committee appointed to examine the proceedings of the judges. By the report of this committee, many scandalous acts were brought to light. The chief battery, it appeared, was directed against the press. In several cases of persons accused of selling libellous pamphlets, the Chief Justice had refused sufficient bail, and had told a woman, of the name of Jane Curtis, who had sold a libel against himself, that she should expect no more mercy than a wolf that came to devour the m .Berry, a stationer, being accused of selling "Observations on Wakeman's Trial," was refused bail, and obliged to attend five times, before he could be discharged, though no information was exhibited against him; and offence having been taken at a pamphlet called "The Weekly Packet of Advice from Rome," a rule was made by the Court of King's Bench, forbidding its being printed or published. Upon this report, the House of Commons came to several resolutions, declaring the discharging of

* Sir W. Jones. † Sir H. Capel. ‡ Col. Titus. § Mr. Powle.

the grand jury illegal and arbitrary; that the Court of King's Bench, in the imposition of fines, and the refusing of bail, had acted illegally and arbitrarily; and that, in making the rule above-mentioned, they had usurped to themselves legislative power.

For these offences, impeachments were ordered against Scroggs, Jones, and Weston. The articles against Scroggs were reported by Sir R. Corbet, on the 5th January. They recited, that Sir William Scroggs, chief justice of the Court of King's Bench, had traitorously endeavoured to subvert the fundamental laws of the kingdom: That having taken an oath duly to administer justice, he had suddenly and illegally dismissed a grand jury, before they had finished their presentments; and, in particular, a bill of indictment against James Duke of York: That, by a rule of the Court of King's Bench, he had stopped the publication of the Weekly Packet, in open violation of the rights of the subject: That he had defamed the witnesses on the Popish plot: That, by his excesses and debaucheries, he had brought the highest scandal on the public justice of the kingdom. But the most interesting charges were as follows:—

4. "That the said Sir William Scroggs, since he was made chief "justice of the Court of King's Bench, hath, together with the other "judges of the said court, most notoriously departed from all rules "of justice and equality, in the imposition of fines upon persons con-"victed of misdemeanors in the said court, and particularly in the "term of Easter last past, did openly declare in the same court, in the "case of one Jessop, who was convicted of publishing false news, and "was then to be fined, that he would have regard to persons and "their principles in imposing of fines, and would set a fine of 500l. "on one person for the same offence, for the which he would not "fine another 100l. And, according to his said unjust and ar-"bitrary declaration, he, the said Sir William Scroggs, together with "the said other justices, did then impose a fine of 100l. upon the "said Jessop, although the said Jessop had, before that time, proved "one Hewit to be convicted, as author of the said false news; and

" afterwards, in the same term, did fine the same Hewit, upon his " said conviction, only five marks. Nor hath the said Sir William " Scroggs, together with the other judges of the said court, had any " regard to the nature of the offences, or the ability of the persons in " the imposing of fines, but have been manifestly partial and favour- " able to Papists, and persons affected to and promoting the Popish " interest, in this time of imminent danger from them, &c.; and, at " the same time, have most severely and grievously oppressed " His Majesty's Protestant subjects, as will appear upon view of the " several records of juries, set in the said court; by which arbitrary, " unjust, and partial proceedings, many of His Majesty's liege people " have been ruined, and Popery countenanced, under colour of " justice, and all the mischiefs and excesses of the Court of Star- " Chamber, by act of parliament suppressed, have been again, in " direct opposition to the said law, introduced.

5. " That he, the said Sir William Scroggs, for the further accom- " plishing of his said traitorous and wicked purposes, and designing to " subject the persons, as well as the estates, of His Majesty's liege " people to his lawless will and pleasure, hath frequently refused to ac- " cept of bail, though the same were sufficient, and legally tendered " to him, by many persons accused before him only of such crimes, " for which, by law, bail ought to have been taken; and divers of the " said persons being only accused of offences against himself; de- " claring, at the same time, that he refused bail, and committed " them to gaol, only to put them to charges; and using such furious " threats as were to the terror of His Majesty's subjects, and such " scandalous expressions as were a dishonour to the government, " and to the dignity of his office; and particularly, that he, the said " Sir William Scroggs, did, in 1679, commit and detain in prison, in " such unlawful manner, among others, Henry Carr, G. Broome, " Edward Berry, Benjamin Harris, Francis Smith senior, Francis " Smith junior, and Jane Curtis, citizens of London: which pro- " ceedings of the said Sir William Scroggs are a high breach of the " liberty of the subject, destructive to the fundamental laws of this

"realm, and contrary to the Petition of Rights, and other statutes, and "do manifestly tend to the introducing of arbitrary power.

6. "That the said Sir William Scroggs, in further oppression of "His Majesty's liege people, hath, since his being made chief justice "of the said Court of King's Bench, in an arbitrary manner, granted "divers general warrants for attaching the persons, and seizing the "goods, of His Majesty's subjects, not named or described parti-"cularly in the said warrants, by means whereof, many of His Ma-"jesty's subjects have been vexed, their houses entered into, and "they themselves grievously oppressed, contrary to law."*

It would be hardly possible to conceive a more direct progress to despotism, than that which these articles describe. The discretion given by the law seems to have been grossly abused, for the purpose of punishing those who were obnoxious to the court. The recollection of the evils here enumerated, and the care of our ancestors to close this avenue to arbitrary power, may be traced in the provisions of the Bill of Rights. It may also be remarked, that the characters which have been handed down to us of the judges of this reign, amply justify the fears that were entertained of their influence. "Lest the means of destroying the best Protestants in England should fail," says Algernon Sydney, in the speech which he left behind him, "the Bench was filled with such as had been blemishes to the Bar." Scroggs, Saunders, and Jeffries, unworthy of the name of judges, were the fit tools of a King above the law. Intemperate and scandalous in their private conduct, savage and merciless in the exercise of their public functions, they were fawning to their Sovereign, indulgent to themselves, insolent and overbearing to the prisoners who obtained at their Bar the appearance of

* The following is Mr. Hume's account of this impeachment: — "The chief justice was very obnoxious for dismissing the grand jury in an irregular manner, and thereby disappointing that bold measure of Shaftesbury and his friends. For this crime, the Commons sent up an impeachment against him, as also against Jones and Weston, two of the judges, who, in some speeches from the Bench, had gone so far as to give the first reformers the appellation of fanatics." Vol. viii. p. 145. It must be allowed, that this is either a careless or an unfair representation.

a trial.* North and Pemberton were more respectable; but the one was prejudiced, and the other unprincipled.

The impeachment ordered by the Commons could not be brought to a trial before the dissolution of parliament; but Scroggs was soon after removed from the Bench. His disgrace seems to confirm the truth of the charges against him. It is gratifying to find, that, even in the worst times, public opinion may reach those who debase themselves so far as to abuse the sacred name of justice, and, instead of being the organ of the laws, speak from the Bench the language of the Court.

The Commons now passed a vote in consequence of the general cry against corruption, that no member should accept of any office, or place of profit from the Crown, without leave of the House.†

A message from the Lords desired their concurrence to a vote, declaring the existence of a Popish plot in Ireland. In agreeing to this vote, the Commons added another, that the Duke of York's being a Papist, had given great encouragement to this plot, as well as that in England.

The last address of the Commons, insisting on the Exclusion Bill, had created great division in the King's council. Sir William Temple thought that, as there existed a difference between the two Houses on the subject, the King might, with decency, excuse himself from giving any positive answer. But those ministers, who had been branded in the votes of the Commons, thought there now remained no safety for them, but in a total disuse of parliaments. In order to widen the breach, therefore, they drew up an answer, in

* If any one thinks this character too severe, let him look at the portraits of these men by North. See Appendix.

† There had been great talk of certain conditions to be offered to the King. Lord Russell was to be Governor of Portsmouth; Colonel Titus, Secretary of State; Sir William Jones, Chief Justice; Lord Shaftesbury was to be Lord Treasurer; but he, when he heard of it, fell into a great passion, that he should be thought capable of sacrificing the public good to his private interest. The report of this project caused the self-denying vote mentioned in the text. Such is the account given in James's Life, for the accuracy of which I will not vouch.

which the King told the Commons, that he was confirmed in his opinion against the Exclusion Bill, by the judgment of the Lords. Sir William Temple, who neither agreed to the spirit, nor prepared the form of this address, was prevailed upon by the King to deliver it. When he appeared at the Bar of the House, Sir William Jones, who had conceived an affection for him, told him, that for himself, he was old and infirm, and did not expect to live long; "but you," he added, "will, in all probability, live to see the whole kingdom "lament the consequences of the message you have now brought us "from the King."

The manner in which this message was received, shows that the House of Commons were resolved to go all lengths, rather than recede from their favourite measure. Mr. Booth said, that as no expedients in lieu of the Exclusion Bill had been proposed, after two years' consideration, and the endeavour of two successive Parliaments, it was plain that nothing plausible could be offered. He therefore proposed resolutions, declaring, that without that Bill, neither the King, nor the Protestant religion, could be safe; that without it, no money could be given; that lending money by way of advance upon the King's revenue, should be prevented; and that, as some of the King's advisers had been said to have advised a dissolution of parliament, they should be censured. The motion was seconded by Lord Russell, who was for "sticking to the Bill, as the only security; and branding those who had hindered it passing."

This motion brought on a debate upon expedients. A proposal of Sir J. Markham, that the Crown should be settled on the Prince of Orange, jointly with the Duke, was laughed at by the House. Sir L. Jenkins, and Mr. D. Finch, were the only other members who argued in favour of expedients. They were opposed by all the men of ability in the House, and particularly by Colonel Titus; who said, that to accept of expedients, after such a King had mounted the throne, would be as strange as if there were a lion in the lobby, and they should vote to secure themselves by letting him in, and chaining him, instead of keeping him out.

The resolutions passed were the same in substance as those moved by Mr. Booth. By one of these, the House voted an address to the King, to remove the Marquis of Worcester, the Earl of Clarendon, the Earl of Feversham, Mr. L. Hyde, and Mr. Seymour, from his presence and councils for ever: by another they declared, that till the Exclusion Bill were passed, they could not grant the King any manner of supply: by two other resolutions, they voted that those who should lend money to the Crown upon the customs, excise, or hearth money, or by any tally, or anticipation upon any branch of the King's revenue, should be adjudged to hinder the sitting of Parliament, and be responsible for the same in Parliament.

The House of Commons seem to have been fully aware that this conduct would bring on a breach with the King. Sir H. Capel declared in the debate, that he never expected to have another opportunity of speaking in that House.

Jan. 10. 1681. On the 10th of January, the King came to the House and prorogued them. A quarter of an hour before, the Commons passed, in a loose and disorderly manner, a resolution, declaring whoever advised the King to prorogue Parliament, was a betrayer of the King, the Protestant religion, and the kingdom of England. In other resolutions they declared the Duke of Monmouth had been removed by the Duke of York's influence, and that they would make an application to restore him to his former power.

A few days afterwards, the Lord Mayor and Common Council presented a petition to the King, that he would be pleased to call Parliament together on the day appointed, that they might finish the important business on which they were engaged. This petition was answered by a dissolution of the Parliament, which was proclaimed on the 18th January, and a new one summoned to meet at Oxford the 21st of March. The Duke of York, about this time, sent Mr. Churchill, (afterwards Duke of Marlborough,) on a mission to the King, to advise him to prorogue Parliament for a considerable time, to give up his alliance with Holland and Spain, in order to form one with France, and to grant his own recall. The King was averse to all his

proposals, excepting that of an alliance with France*, which he allowed him to negociate.

During the interval of Parliament, the Duke of York was indicted as a recusant, before a grand jury of Middlesex, who found a true bill against him. The cause was removed by certiorari into the King's Bench. The elections went generally in favour of the Whigs. The city of London voted thanks to their old members for their conduct, and especially for their support of the Exclusion Bill, and concluded by declaring they would stand by them with their lives and fortunes. And this example was followed by most places in the kingdom. †

I do not know that I can conclude this chapter in a more entertaining manner, than by giving a satirical description from North, a bitter enemy of the Whigs, of a political club which they frequented about this time:—

"The gentlemen of that worthy society held their evening sessions continually at the King's-Head Tavern, over-against the Inner-Temple gate; but, upon occasion of the signal of a green ribbon agreed to be worn in their hats in the days of street engagements, they were called also the Green Ribbon Club. Their seat was in a sort of carfour at Chancery-Lane end, a centre of business and company, most proper for such anglers of fools. The house was double-balconied in the front, as may be yet seen, for the clubsters to issue forth in fresco, with hats and no perruques, pipes in their mouths, merry faces, and dilated throats, for vocal encouragement of the canaglia below, at bonfires on usual and unusual occasions.

"The resolves of the more retired councils and ministry of the faction were brought in here, and orally insinuated to the company, whether it were lies, defamations, projects, &c. and so, like water diffused, spread all over the town, whereby that which was digested at the club overnight, was like nourishment at every assembly, male and female, the next day; and thus the young boys tasted of political administration, and took themselves for notable counsellors.

* Life of James. † Rapin.

"The pastime of this meeting, called The Club, was very engaging to young gentlemen; and one who had once tasted the conversation, could scarce ever quit it; for some or others were continually coming and going to import or export news and stories. There it was known, in half an hour, what any member said at the committee of elections, or in the House, if it sate late; and every post conveyed the news and tales legitimated there; as also the malign constructions of all the good actions of the government, especially to places where elections were depending, to shape men's characters into fit qualifications to be chosen or rejected.

"They were carriers up and down of seditious talk all over the town; so that a puisne politician, from the universal harmony of discourse, would think the grossest fablings to be truth in perfection."

CHAP. XIII.

PARLIAMENT SUMMONED TO OXFORD. — KING'S SPEECH. — FITZHARRIS'S PLOT. — EXCLUSION BILL. — DISSOLUTION. — KING'S DECLARATION. — ANSWER OF THE WHIGS. — PRINCE OF ORANGE COMES TO ENGLAND. — EXECUTION OF FITZHARRIS.

THE contest between the King and the House of Commons could not continue much longer. Both parties foresaw, and desired a crisis.* The King, on his part, prepared for it by summoning the Parliament to Oxford, where his party was strong, and where he would have nothing to fear from the resentment of the inhabitants. He went there himself eight days before the meeting. He dismissed from his council Shaftesbury, Sunderland, Essex, and Temple. On the other hand, a general alarm prevailed amongst the Whig party that some violence was intended. There was a rumour at one time that the Parliament was to be blown up by a new gunpowder plot; but the general idea was, that the King would cause the persons of those obnoxious to him to be seized, under pretence of a conspiracy against his person and government. The Earl of Essex, accompanied by the Duke of Monmouth, and fourteen other peers, presented a petition to the King, that the Parliament might be held in London. Charles frowned, and gave no answer.

Lord Grey pretends, that, after this repulse, a design was entertained of refusing to attend the Parliament at Oxford; but, however this may be, the members of Opposition, in both Houses, finally determined to appear in their places. But several of them took the precaution of being attended by many of their servants and retainers; and the members for London, in particular, entered Oxford with a large body of men on horseback, having blue ribbands on their hats,

* Temple.

with the motto, "No Popery! No Slavery!"—an ominous appearance in such critical times.

Mar. 21. The 21st of March being come, the King opened the Parliament with the following remarkable speech, which is certainly drawn up with great art and judgment.

"My Lords and Gentlemen:—The unwarrantable proceedings of "the last House of Commons were the occasion of my parting with "the last Parliament; for I, who will never use arbitrary government "myself, am resolved not to suffer it in others. I am unwilling to "mention particulars, because I am desirous to forget faults; but "whosoever shall calmly consider what offers I have formerly made, "and what assurances I renewed to the last Parliament, how I re-"commended nothing so much to them, as the alliances I had made "for the preservation of the general peace in Christendom, and the "further examination of the Popish plot; and how I desired their "advice and assistance concerning the preservation of Tangier; and "shall then reflect upon the strange unsuitable returns made to such "propositions by men that were called together to consult, perhaps "may wonder more that I had patience so long, than that at last I "grew weary of their proceedings. I have thought it necessary to "say thus much to you, that I may not have any new occasion given "me to remember more of the late miscarriages: it is as much my "interest, and shall be as much my care as yours, to preserve the "liberty of the subject; because the crown can never be safe when "that is in danger; and I would have you likewise be convinced, "that neither your liberties nor properties can subsist long, when "the just rights and prerogatives of the crown are invaded, or "the honour of the government brought low, and into disreputation. "I let you see, by my calling this Parliament so soon, that no irre-"gularities in Parliament shall make me out of love with them; and "by this means offer you another opportunity of providing for our "security here, by giving that countenance and protection to our "neighbours and allies, which, you cannot but know, they expect "from us, and extremely stand in need of, at this instant; and at the

"same time give one evidence more, that I have not neglected my "part to give that general satisfaction and security which, by the "blessing of God, may be attained, if you on your parts bring suit-"able dispositions towards it; and that the just care you ought to "have of religion be not so managed and improved into unnecessary "fears, as may be made a pretence for changing the foundation of "the government. I hope the example of the ill success of former "heats will dispose you to a better temper, and not so much to inveigh "against what is past, as to consider what is best to be done in the "present conjuncture. The farther prosecution of the plot, the trial "of the Lords in the Tower, the providing a more speedy conviction "of recusants, and, if it be practicable, the ridding ourselves quite "of that party that have any considerable authority or interest "amongst them, are things, though of the highest importance, that "hardly need to be recommended to you, they are so obvious to "every man's consideration, and so necessary for our security. But "I must needs desire you not to lay so much weight upon any one "expedient against Popery, as to determine that all others are in-"effectual; and, among all your cares for religion, remember, that "without the safety and dignity of the monarchy, neither religion "nor property can be preserved. What I have formerly and so "often declared touching the succession, I cannot depart from. But "to remove all reasonable fears that may arise from the possibility "of a Popish successor's coming to the crown, if means can be found "that, in such a case, the administration of the government may "remain in Protestant hands, I shall be ready to hearken to any "such expedient by which the religion might be preserved, and the "monarchy not destroyed. I must, therefore, earnestly recommend "to you to provide for the religion and government together, with "regard to one another, because they support each other: and let "us be united at home, that we may recover the esteem and con-"sideration we used to have abroad.—I conclude with this one ad-"vice to you, that the rules and measures of all your votes may be

"the known and established laws of the land, which neither can nor "ought to be departed from or changed, but by act of parliament: "and I may the more reasonably require that you make the laws "of the land your rule, because I am resolved they shall be mine."

Mr. Williams was chosen Speaker, and made a speech to the King, in a tone of firmness unusual on such occasions. Notwithstanding this, the King did not choose to follow the precedent he had made in the case of Mr. Seymour.

The first business in the House of Commons was a motion to print the votes. This had been done for the first time in the last Parliament, and as it might have some influence on the public, the motion was opposed by Secretary Jenkins, as "a sort of appeal to the people." Colonel Mildmay, in answering him, seems to have foreseen the fate of the Parliament; for he remarked, it had been usual for the Court to prorogue or dissolve with a declaration against them, and therefore it was fit their acts should be publicly known. The motion was agreed to. After the House had desired a conference with the Lords on the subject of the Bill passed in the late Parliament, to repeal the 35th of Elizabeth, Sir Nicholas Carew brought forward the Exclusion Bill. In order to prevent any charge of precipitation, and to give time for the Court to propose expedients, the House put off the debate respecting it. The next vote is one deserving both of attention and imitation: it was a vote of thanks to "many counties, cities, and boroughs," who had elected their representatives free of expense.

It is the misfortune of times like those of which I am treating, that the outcasts of society, by working on the passions of contending parties, become the stipendiaries, the idols, and almost the ruin of a nation. The careers of Oates and Dangerfield are melancholy instances of this remark. Another is now to be recorded. Fitzharris, an Irish Papist, had endeavoured to gain importance at Court, through the means of the Duchess of Portsmouth, and her woman, Mrs. Wall, by bringing information of the designs of the opposite

party. He had introduced Lord Howard to the King, (with what intention is still a mystery,) and for that or other services had received 250l.

Happening after this to meet with one Everard, who had been with him in the service of the French King, but had afterwards become connected with the Opposition, he proposed to him to write a libel against the King and the Duke. Everard seemingly consented, but went immediately to his own friends, and brought one of them, whom he hid in a closet. Everard then read the libel, to which Fitzharris added some violent passages against the King; as, "that the Parliament could depose a Popish possessor as well as a Popish successor." And being told by Everard the book was treasonable, he said, the more treason, the better. What use he intended to make of it, whether to hide it in the pockets of the Whig leaders, or to take it directly to the King, is uncertain. The former was reported as a plan in agitation; and Lady Russell, in a letter to her husband at this time, bids him look to his pockets.

The intentions of Fitzharris, however, whatever they may have been, were frustrated by Sir W. Waller, who being concealed at a second conference he held with Everard, laid the whole matter before the King. Fitzharris was imprisoned in Newgate, and then began to look for safety to the opposite party. He told Sheriff Cornish, that he knew much of the Popish plot. Cornish, with great judgment, immediately told the whole story to the King. The King owned that he had given money to Fitzharris, and that, for three months before, he had been promised by him information of a plot concerning his government and life. The secretaries of state were sent to take his examination, which was a tissue of fictions about the Popish plot. To give his discoveries more air, he sent for Sir R. Clayton and Sir George Treby, before whom he swore to the same story. He now became a valuable witness in the eyes of the Opposition, and a worthless spy in the opinion of the Court. He was removed to the Tower, and an order given to the Attorney-General to prosecute him at law.

Sir W. Waller took the first opportunity of bringing the subject before the House of Commons. The Whigs imagined, that if the life of Fitzharris were spared, he would make important discoveries, not only concerning the Popish plot, but relating to some persons belonging to the Court itself, who, they imagined, had engaged him to put his treasonable paper into the pockets of the Opposition members. In order to save him from prosecution, they voted he should be impeached. But, upon an argument of Lord Nottingham's, that the Lords had, in the reign of Edward the Third, made an order against the trial of any commoner by them, the House of Lords refused to receive the impeachment. This determination was voted by the Commons to be a denial of justice; and for any inferior court to proceed against Fitzharris, was resolved to be an high breach of the privilege of Parliament. In order to relate this affair succinctly, I have somewhat broken the order of time.

The delay in bringing forward the Bill of Exclusion, has been attributed to a desire to see the effect of a proposal made by Lord Shaftesbury to the King. It is pretended, that in a private audience, he told the King he had received an anonymous letter, pointing out a method of quieting the disturbances of the nation, without the Exclusion Bill; which, when explained, consisted in settling the crown on the Duke of Monmouth. The King answered him, with surprise and indignation, that such a measure was against law, and his own conscience. *

Whatever foundation there may be for this anecdote, Sir R. Clayton moved, on the 26th March, that the Exclusion Bill be brought in. The motion was seconded by Lord Russell. They both declared they had received addresses in its favour from their constituents. In the course of the debate, Sir William Pulteney, and Mr. Booth, representatives of Westminster, and Cheshire, made a similar declaration. On this day, the expedient hinted at by the King was explained by Sir John Ernly. It was to give to the Duke the title of King, and to his daughter the power of Regent. The Duke was to be banished

* North. Examen. p. 123, 124.

500 miles from England. Sir Thomas Littleton spoke at length in favour of this plan. He had no doubt that the people would assemble under the shelter of the law, to support the regency of the Prince and Princess of Orange, and a security against any attempt of the Duke would be found in his fears of forfeiting his landed property. Sir W. Jones replied, that to him who was playing for a kingdom, such a stake as an estate in land, would be not worthy of consideration; and that, by the doctrine of the law, all incapacity is done away by coming to the throne; so that the restrictions would of themselves fall to the ground.

After a long debate, the House resolved, that the Bill of Exclusion be brought in.

An impartial observer of those times would probably have been inclined to blame the imprudence of the Whigs in rejecting the limitations offered by the King. Experience teaches us not to rely on the continued support of the people, for the establishment of a check to arbitrary power, entirely prospective in its object. The utmost that the great body of a nation can be brought to do, is to apply a remedy to an evil that has been felt, and to provide at the same time against its future recurrence. By the alarm of the Popish plot, however, a certain degree of popularity had been procured for the Exclusion Bill. At that time, and with all the strength, both in parliament and in the council, which could ever be reasonably expected, the measure had been tried, and failed. It was evident the Parliament had not been assembled at Oxford for the purpose of granting the petition of the Commons. The best course that remained for the Whigs, was to obtain the banishment of the Duke for life, and rely upon their force for maintaining it. On the other hand, Charles was availing himself with great dexterity of the partiality which is always felt by the people for persons of royal blood. The higher his offers were, the greater appeared the violence of opposition; and he wished to seem oppresst, in order to become an oppressor.

On the 28th of March, the Exclusion Bill was read a first time. The House then proceeded to the question of the impeachment of Fitz-

harris; but Sir W. Jones had hardly entered upon it, when the Black Rod knocked at the door, and gave notice that the King commanded the attendance of the House immediately in the House of Lords. After a short speech from the Throne, the Lord Chancellor declared the King's pleasure, that the Parliament should be dissolved, without any previous prorogation. Although this step was taken in great apparent haste, and kept secret till the moment of execution, several circumstances serve to show it had been long premeditated. When Sir William Temple offered to stand for Cambridge, the King informed him, that he should have no occasion for his services in this Parliament. And so totally unsupported was the Crown in the House of Commons, that when Secretary Jenkins moved to throw out the Bill of Exclusion, his motion was not seconded. It is also said, that the Duchess of Mazarine spoke of the dissolution in London, some hours before it had taken place at Oxford. *

The King set off in great haste for Windsor, and soon afterwards published a declaration, assigning his reasons for dissolving the two last parliaments. To the first, he objected, that they presented remonstrances under the title of addresses; voted eminent persons enemies of the King and kingdom, without proof; arrested many persons under the false pretence of privilege; stopped the payment of tallies and anticipations; and, lastly, assumed to themselves legislative power, by interfering in the regular prosecution by law of Protestant Dissenters. The Parliament assembled at Oxford, he reproached with stirring the Exclusion Bill, to which he had declared he never would consent; and with their vote against the House of Lords, on the subject of Fitzharris. He concluded by warning the people against designing men, who accused him of an intention of laying aside parliaments, and declared he was determined that, after the lapse of a short period, their meetings should be constant and frequent.

This declaration of the King was, by an order in council, directed to be read in all churches and chapels. The order was very gene-

* Just and modest vindication.

rally obeyed, and the effect produced corresponded to the wishes of the court and clergy. The part which alluded to the Dissenters raised a cry of Church and King through the whole kingdom. Addresses poured in from all sides, vying with each other in fulsomeness and adulation. One of these, from Norwich, was presented as a libel by the grand jury of Middlesex.

An able answer to the Declaration, under the title of "A just and modest Vindication of the two last Parliaments," was published by the Opposition. It was first written by Algernon Sydney, but a new draught was made by Mr. Somers, afterwards Lord Somers, and corrected by Sir W. Jones. In this pamphlet, the proceedings of the Commons were shown to be agreeable to law and precedent; but, though the argument was clear and convincing, and the stile more than usually correct and forcible, this and other writings, in favour of the Parliament, produced little effect. Nothing could more clearly prove the imprudence of the party in refusing the King's offers.

There was yet another indiscretion of the Whigs, which contributed to give strength to their enemies. Having united themselves closely with the Presbyterians, they had begun too soon to promote measures in their favour. Hence an alarm was excited that the Presbyterians were the same with the opposers of the Court, and that their object was no other than to gain possession of the government of the church; and as the fear of Popery subsided, that of Presbyterianism rose. In accounting for the events of this and the following reign, religious distinctions must always be kept in view. It will be recollected that Charles lost his object in the first Dutch war by proclaiming a toleration; and it is singular that his adversaries now failed in the same endeavour.

It is difficult to decide, if the conduct of the King had been long premeditated, or if it was the offspring of circumstance and temper. As he was a profound dissembler, it is almost impossible to judge of his views and motives. His admirers have been warm in their praises of his skill; and it is pretended that, some time before this crisis, he

entirely changed his usual behaviour, and became thoughtful, prudent, and wary. That he acted with consummate art, when the moment of difficulty arrived, is not to be doubted; but if we were to fix the period of his projects being matured long before the Oxford Parliament, we should probably fall into the common error of attributing too much to design, and too little to accident and impulse. A pilot cannot determine the exact path of the ship he is about to steer, because he cannot foresee the winds which will prevail; and the statesman can almost as little predict the passions which may influence his course.

If we may believe Lord Grey, there existed an intention, on the part of the Whig leaders, to resist the dissolution at Oxford, and remain sitting in defiance of the King's authority; but, by his own account, no preparation seems to have been made for supporting by force this act of rebellion; and the whole story seems to be got up for the purpose of justifying the execution of Colledge, which soon afterwards took place. We may more readily trust the same authority, when he tells us, that, after the dissolution, all thoughts of resistance were given up, and every thing remained quiet amongst the party for a long time.

July. 1681. It is not well known how far the Prince of Orange was connected with the popular party during the reign of Charles the Second; but the occurrence I am going to relate will show that he was, at this time, on good terms with Lord Russell and the Whigs. He paid a visit to England, for the purpose of doing away a misunderstanding he had had with the King, and with the hope of raising in the court a jealousy against France, and a desire to try once more a reconciliation with Parliaments.* For both these reasons, the Duke of York was much averse to his coming†: but leave having been given before the Duke could prevent it, he arrived in London, where he was waited upon by Lord Russell, and the two sheriffs, who gave him an invitation to dine in the city, which he readily

* Dal. Appendix. † Life, p. 690.

accepted. Lord Halifax, Lord Hide, and Mr. Seymour endeavoured to dissuade him from going; but he answered, that he had been in England twice before, and had dined both times in the city; and, upon their representing to him that the city was now in opposition to the King, which it had not been before, he grew angry, and said he had promised, and he would go. Upon this reply, Mr. Seymour immediately posted to Windsor, and got an order from the King for the Prince of Orange to join him immediately. The Prince obeyed, but did not conceal his trouble at being obliged to break his word.

He was unsuccessful in his negociations with the King, but he persuaded the Opposition to offer the King, after his own departure, a parliamentary supply for the relief of Flanders, without the Exclusion Bill, the limitations, or the displacing of any minister.* But the King was now fully resolved not to meet his parliament.†

It appears, from the dispatches of Barillon, that during this visit the Prince of Orange was often locked up with Lord Russell and Sir W. Jones, and that he became very popular by his journey.‡

The death of Fitzharris afforded another occasion for the manifestation of party feeling. This vile wretch hoped, by making a sudden turn against the Opposition, to obtain a pardon from the King; but he was left to die the victim of his own impostures.

* James's Life, p. 692. Dal. App. 301. † Life of James, 693.
‡ Dal. App. to Part First, p. 9.

CHAP. XIV.

LETTER OF LADY RUSSELL. — PROJECTS OF THE COURT. — TRIAL OF COLLEDGE. — INDICTMENT AGAINST SHAFTESBURY THROWN OUT BY THE GRAND JURY. — QUO WARRANTO. — SYSTEM OF ARBITRARY GOVERNMENT. — ELECTION OF SHERIFFS. — WILD SCHEMES OF LORD SHAFTESBURY. — INFORMATION OF KEELING. — LORD RUSSELL SENT TO THE TOWER. — DEATH OF LORD ESSEX.

When the tumult of public affairs was over, and the members of the Whig party, dispersed in every quarter, followed their several occupations and amusements, Lord Russell retired to the tranquillity of his own house, where he confined himself to the society of his family and his relations.* The following letter will show, better than any description I could give, the manner of his life. It is written from Stratton, in Hampshire, a seat which Lady Russell had inherited from her father, and the country residence of Lord Russell from the time of his marriage.

"September 30. 1681.

"To see any body preparing and taking their way to see what I long to do a thousand times more than they, makes me not endure to suffer their going, without saying something to my best life, though it is a kind of anticipating my joy when we shall meet, to allow myself so much before the time. But I confess I feel a great deal, that, though I left London with great reluctancy, (as 'tis easy to persuade men a woman does,) yet that I am likely to leave Stratton with greater. They will tell you how well I got hither; and how well I found our dear treasure here. Your boy will please you; you will, I think, find him improved, though I tell you so before-hand; they fancy he wanted you; for, as soon as I alighted, he followed, calling Papa: but I suppose 'tis the word he has most command of, so was not disobliged by the little fellow. The girls were in remembrance of the happy 29th September †, and we drank your health, after a red-deer

* See Mr. Spencer's evidence on Lord Russell's trial. † Lord Russell's birth-day.

pye, and at night the girls and I supt on a sack posset; nay, master would have his soon, and for heat burnt his fingers in the posset; but he does but rub his hands for it..... I do propose going to my neighbour Worsley's to-day. Would fain be telling my heart more things,—any thing to be in a kind of talk with him; but I believe Spencer stays for my dispatch. He was willing to go early; but this was to be the delight of the morning, and the support of the day. 'Tis written in bed, thy pillow at my back, where thy dear head shall lie, I hope, to-morrow night, and many more, I trust in his mercy, notwithstanding all our enemies, or ill-wishers. Love, and be willing to be loved by,

"R. Russell."

Though the Whig party seem to have sunk quietly into retirement after their defeat, the King could, by no means, rest satisfied with the victory he had obtained over his parliament, and the general tranquillity which ensued. He was determined to execute vengeance on his opponents, and establish arbitrary power upon a system of terror. For this purpose, he did not scruple to employ those witnesses whose perjuries in the trials for the Popish plot he had been the foremost to expose. The first person selected for punishment was Stephen Colledge. This man was a carpenter, who, by his noisy zeal, and the notice he had received from the Duke of Monmouth, and other men of rank, had acquired the name of the Protestant joiner. Turberville, Dugdale, Haynes, and Smith swore against him many treasonable discourses, and some strange stories of his having silk armour, and pocket pistols, at Oxford. The grand jury, however, refused to believe the witnesses, and threw out the bill. But the Court was not to be foiled in this manner: they removed the trial to Oxford, where a jury, as partial on the other side, was procured. Colledge had, besides, many hardships to undergo. His papers were taken from him on his way to trial, and the court adjourned on purpose to examine them. So that, whilst the crown lawyers had the advantage of knowing the points he meant to have argued, this poor mechanic was unable to plead the informality of the indictment, or to use other legal arguments he intended to have urged. A copy of the

pannel which had been usually given to prisoners, was denied him; and his own witnesses were not allowed to be examined upon oath. Notwithstanding these disadvantages, he brought forward such evidence as materially injured the credit of the witnesses against him. Excepting Sir W. Jennings, and Mr. Masters, he showed that every one of them had owned himself forced to change sides, to avoid starving, or had been guilty of attempting to suborn others. One of them, Smith, had said, that if the Parliament refused to give the King money, and continued to press the Bill of Exclusion, that was a sufficient ground for swearing there was a plot to seize the King. As for Sir W. Jennings and Mr. Masters, they only swore that Colledge had justified, in conversation, the parliament of 1640; and that, in a quarrel at Oxford, where he had got a bloody nose, he had said, "I have shed the first blood in the cause, but it will not be the last." Colledge explained this, as well as his having a sword and pistols in his possession, by saying that he expected the Papists would attempt a massacre. He begged the jury to consider that he could not seize the King alone, and that no conspiracy had been proved. Jeffries, in speaking for the crown, impudently argued, that they must not discredit Dugdale (though, in one point, he had been clearly convicted of falsehood), as that would be throwing a slur on the evidence for the Popish plot. The Chief-justice, North, in summing up, said, he would not notice the evidence that had been produced to discredit the witnesses, as that was a point for the jury to decide: yet he afterwards commented on such parts as he thought unfavourable to the prisoner. He was found guilty, and executed a fortnight afterwards. But the King, to display the royal attribute of mercy, gave permission that his quarters should be buried; a favour which he slighted, saying, with philosophical indifference, he cared not whether he was eaten up by flies or worms.

Having shed the blood of Colledge, the Court next attempted the life of Lord Shaftesbury. He was imprisoned in July, and indicted in November. A plan of association found in his room, but without any signature, was brought forth to supply the want of evidence. The proceedings in this case are a melancholy instance of the effects

of party rancour. The witnesses whom the Court produced to prove high-treason against a man who had been High Chancellor of England, were, with one exception, the perjured wretches who, under the name of Irish witnesses, had become infamously notorious, and, on the trial of Colledge, had lost their small remaining * credit. The only other witness was one Booth, a man who had ruined himself by a profligate course of life, and who, on this occasion, was proved to have perjured himself. On the other hand, the grand jury consisted entirely of Lord Shaftesbury's friends. They made a return of ignoramus upon the bill, and hence the term Ignoramus Jury became a bye-word against the whigs.

The Court was convinced, by the result of this enquiry, that the strength of the opposition in the city would be a troublesome obstacle to the execution of their designs. At this point, therefore, they determined to make the first attack on the liberties of England. Saunders, a learned but profligate lawyer, proposed to seize the charter of London by a process of quo warranto. The decision, in this case, rests with the judges, whose appointment was during the pleasure of the Crown. Saunders himself was made chief-justice, for the purpose, and Dolben gave place to Withers. It was thought that the charter of the metropolis, once in the hands of the Crown, other cities and towns might easily be induced to make a surrender of theirs, which were only to be returned to them with the condition that the King should appoint the mayor, and officers of corporations. Thus a Parliament might be produced entirely subservient to the Crown; and the sanction of Parliament, for an independent revenue, once obtained, it would have been easy to lay aside the use of parliaments altogether. In the meantime a new alliance had been concluded with France, which relieved the King from any immediate necessity for money.

* Two of these, of the name of Macnamara, though prepared to be witnesses against Colledge, were not produced on that trial, as the crown lawyers found by the inspection of his papers, that he was able to destroy their testimony. Shaftesbury had listened to them with too much readiness. Ferguson says that they were set to ensnare him.

(*Growth of Popery.*)

At this period, indeed, Charles and Lewis seem to have come to a more perfect understanding than they had ever done before. We have frequently seen, in the course of this work, that Charles applied to Lewis for money, in order that "he might not receive the law from his subjects," or "any longer depend on the caprice of the House of Commons." But these supplies were not always so abundant as he could wish, and as he often found it necessary to assemble Parliament, he made a skilful use of their violence against France, to frighten Lewis into larger and more certain pensions. Lewis, on the other hand, was more sparing than we should have expected in his subsidies: he seems to have been afraid of trusting Charles with unlimited authority in his dominions, lest he should prove ungrateful, and the encouragement given by France to the Opposition in Parliament, shows his policy to have been to keep the King always weak, and dependent on himself. But at this time he seems to have been disposed to make Charles independent of his people. In February, 1681, Barillon wrote to his master, "There remains only one difficulty, which is that of putting off for ever the sittings of Parliament. I know very well it is a security Your Majesty has reason to demand, but you promised me in 1679 to consent that the Parliament should assemble, when the King of England should think it necessary for his own interests, provided the subsidies should then cease." Charles was now fully able to take advantage of this favourable disposition. On the 24th of March, 1681, he agreed to make a private convention with France.* Mr. Hume found the substance of this convention, with the date of the 1st of April, in the depôt at Versailles.† The terms are, that Charles should disengage himself from the Spanish alliance; that he should prevent parliaments from counteracting his engagement; and that he should receive two millions of livres for one year, and 500,000 crowns for two more years. Barillon wished very much that this convention should be signed by the two princes, but they would only consent to make it a verbal agreement.

* Dal. App. 301. † Hume, vol. viii. p. 207.

The reason for his urging it, and for the refusal of Charles, is thus given by Barillon. "It also appears to me, that this prince would not dare to make a treaty public, in which he has engaged himself not to assemble Parliament; it would be very dangerous to his person, and entirely contrary to the laws of England." Let us consider for a moment the value of these words. Ten years before, we found Charles entering into secret engagements, contrary to his oath, and subversive of all his duties to his subjects. We find him now, after various changes of fortune, beginning, as it were, a fresh career of imposture, degradation, and treachery, in order to destroy the constitution over which he had been called to preside, and to extinguish the laws which he was bound to administer.

Some of the chief obstacles to this plan, after the Whig leaders, might be expected to come from the Dissenters. In the language of a pamphlet of the day, "the strength of the Dissenters is the weakness of the Crown." In order to diminish this strength, the Act of the 35th of Elizabeth was put strictly in force. Dissenting ministers were prosecuted in all parts of the country, and obliged to pay heavy fines for the discharge of their duty. The jails were filled with those who were unable to pay these fines, and it is said, that in Uxbridge alone, two hundred warrants for distress were issued. *

At the same time the Whig newspapers, which were very active in bringing to light acts of oppression and injustice, were suppressed, and the writers of them imprisoned. Great pains were taken, on the other hand, to direct the public mind into the road of abject servility. Roger L'Estrange set up a paper, called the Observator, which served as a vehicle for the most outrageous libels on the principles and persons of the Opposition. Amongst other passages of a similar kind, he said that a citizen's skull was but a thing to try the temper of a soldier's sword upon.

Every exertion was made to procure from the country addresses abhorring the association found amongst Lord Shaftesbury's papers,

* Oldmixon.

and stigmatising the *ignoramus* juries. Those who promoted these addresses, which were obtained from the indifference rather than the zeal of the people, were the adherents of the Court, and the members of the church. The universities also were unanimous in giving their sanction to doctrines calculated to obtain the favour of royalty, and rivet the chains of the multitude. The Vice-Chancellor of Cambridge, in addressing the King, told him that he reigned "by a fundamental, hereditary right of succession, which no religion, no law, no fault, can alter or diminish." The celebrated decree of the University of Oxford, condemning resistance, and inculcating passive obedience, was not passed till some time afterwards. But these declarations were moderate, when compared with the doctrines inculcated in the sermons of various divines. Dr. Sprat, in a sermon before the Artillery Company, endeavoured to prove, from texts of Scripture, that the use of arms is lawful in a private, and much more in a public quarrel, but contrary to the Gospel, if not sanctioned by a legal authority. The intention of this harangue seems to have been to encourage the soldiery in abetting the King's arbitrary government. Dr. Hickes, an equally zealous and more conscientious friend of royal power, asserted in his sermons, that the professors of Christianity ought to die, rather than resist by force, not only the King, but all that are put in authority under him. It was to confute the last-mentioned author, that Mr. Samuel Johnson, chaplain to Lord Russell, wrote a book, called the Life of Julian the Apostate, defending resistance in extreme cases.*

It is not to the credit either of the piety or the wisdom of this age, that political questions were treated by divines, and dècided by reference to Scripture. Our Saviour, whilst he lost no opportunity of recommending charity and benevolence, expressly declined any interference with the political duties of his disciples. And those who have been ordained of his church, when they enter into the violence of party disputes, too often betray at once their want of experience as statesmen, and of charity as Christians. That which has been called

* See Appendix.

the high church party in England, has made itself unfortunately remarkable for a bitter hatred of liberty and toleration. It was, no doubt, from observing this disposition, that Lord Russell was inclined to favour the Dissenters. He wished the Church to open its doors, that Protestants might not have enemies amongst themselves. His sentiments, I hope, were not less Christian than those of the high dignitaries, who promoted intolerance in the Church, and tyranny in the State.

The trial of Argyle, which took place in Scotland at the end of the year 1681, would have been a disgrace even to the most arbitrary government in Europe. He had rendered himself obnoxious to the Duke, by moving, that in an act which confirmed all former acts, the words, " and all acts against popery," should be inserted. It was a year after this that James desired him to take the test for privy councillors, an oath somewhat ambiguous in its terms, and which James himself had said, no honest man could take. The Earl wished to decline and disqualify himself, but by advice of the Bishop of Edinburgh, the Duke's friend, he subjoined an explanation, saying that he took it " in so far as it was consistent with itself and the Protestant religion." And that he did not mean to bind himself from endeavouring, in a lawful way, any alteration he might think to the advantage of church and state, not repugnant to the Protestant religion, and to his loyalty. The Earl of Queensbury had before said, on taking the oath, that he did not think himself obliged to oppose alterations in church or state, in case it should please His Majesty to make any. Argyle's explanation raised no debate at the time; and the Duke desired him, with a smile, to sit down by him. But the next day he was desired to give in his explanation in writing, and to sign it; and within a few days he was found guilty of treason, upon no other evidence. To make the injustice complete, Lord Queensbury officiated as Lord-Justice General. The Earl, happily for himself, made his escape from the castle of Edinburgh. The royal brothers then protested no harm was meant to his person, which did not, however, prevent sentence being past, that he should be put to death when apprehended: that his name, me-

mory, and honours, should be extinct: that his posterity should be incapable of honour, place, or office; and that his estates, goods, and chattels, should be forfeited. *

Such was the manner in which the Court treated their opponents in a country where the violence of their supporters enabled them to commit any kind of offence against justice. In England, the vengeance of the Court against the Whig leaders was still retarded by the influence which they maintained in the city. It was found that the proceedings in the case of quo warranto being embarrassed by legal forms, would occasion considerable delay. A shorter way to the same object was perceived by electing sheriffs against the will of the citizens.

It had been an ancient custom for the Lord Mayor to name one of the sheriffs for the ensuing year, by drinking to him, and this nomination was generally confirmed by the livery. But the letter of the charter, and various precedents, demonstrate, beyond all doubt, that the right of election resided in the citizens at large, and that the choice allowed to the Lord Mayor was only a matter of courtesy between the city and its chief magistrate. The Court, however, made use of this custom as an engine to impose, not only one, but both sheriffs of their own party. Sir John Moore, the Lord Mayor, a very weak man, was prevailed upon to drink to Mr. Dudley North, a Turkey merchant. The Whigs, having pitched upon Mr. Papillion and Mr. Dubois for sheriffs, assembled in great numbers on the day of election, and were clamorous for a poll. The Lord Mayor, insisting on his right to choose one of the sheriffs, by drinking to him,

* It is curious to remark the reasons which are given in the Life of James, supported in this instance by reference to their letters, for the conduct of the King and the Duke in this affair. The Duke refuses the intercession of the Duke of Lauderdale, because "he would not be diverted, to make friends to himself, from pursuing the King's interest, wherever he thought it concerned." The King, on the other hand, "thought fit to issue out a proclamation for apprehending my Lord Argyle, that if it missed his person, it might convince the world, at least, he was satisfied with the Duke's management, and silence, thereby, the discourses industriously spread abroad, as if he had been prosecuted more out of a pique by the Duke, than by reason of any guilt to the King." What an affecting picture of brotherly love!

would not proceed to an election, but adjourned the court. And here the sheriffs of the year, Mr. Shute and Mr. Pilkington, were guilty of a great irregularity. For they still held on the court, and began a poll. Upon which some confusion ensued, and the next day the Lord Mayor complained of the sheriffs for a riot, and they were committed to the Tower.

After another irregular poll, the election of the sheriffs at last took place, on the 15th of July, when the Lord Mayor insisted that North was already chosen, and would only poll for three, Papillion, Dubois, and Box, the court candidate. The sheriffs, on the other hand, opened the poll for all four. At the close of the poll the sheriffs came forward and declared the numbers to stand thus:—

Papillion - - - - -	2482
Dubois - - - - -	2481
Box - - - - - -	173
North - - - - -	107
And against confirmation - -	2414

The Lord Mayor, on the other hand, declared that Papillion and Dubois had but 60, and Box 1244. The Lord Mayor declared Box to be the other sheriff, and the sheriffs declared Papillion and Dubois. Box having fined off, another election took place on the 19th of September, when a Mr. Rich being put up, there was such a noise of No Rich, that nothing could be heard. Upon which the sheriffs granted a poll, and the majority again appeared for Papillion and Dubois. But the Lord Mayor, whilst the poll was adjourned, came forward and declared Mr. Rich duly elected. On the 29th of September, Mr. North, and Mr. Rich, the one chosen by an unlawful mode, and the other by open violence, were sworn, and took possession of their offices.

The Court soon had an opportunity of making use of their new power. The Duke of York was, about this time, recalled from Scotland, chiefly for the purpose of making an arrangement of his reve-

nue, by which the Duchess of Portsmouth was to receive 5000l. a year out of the post-office. "All this while," says James, in his memoirs, speaking of himself, "the Duke knew very well his revenue was so settled, that nothing but an act of parliament could alienate any part of it; which he took care not to mention to any living soul, lest that might have made the King lay the thoughts of it aside, or made her solicit for a Parliament which would have given that project a mischievous turn, and done him hurt instead of good." Soon after his return, Pilkington, formerly sheriff, being accused of saying, on a report that the Duke intended to leave Scotland, "He has already burned the city; he is now coming to cut all our throats," was convicted and sentenced to pay 100,000l. damages.* A fine, extending to the ruin of the criminal, and directly contrary to the spirit of our laws. Sir Patience Ward, formerly mayor, having given evidence that he did not hear the words spoken by Pilkington, was condemned to the pillory for perjury.

The election of the sheriffs seemed to complete the victory of the throne over the people. It was evident, from the past conduct of the Court, that they would now select whom they pleased for condemnation.

Lord Russell received the news with the regret which, with his temper, it was most likely to produce. Lord Shaftesbury, on the other hand, who was provoked at the apathy of his party, received with joy the news of the appointment of the sheriffs, thinking that his London friends, seeing their necks in danger, would join with him in raising an insurrection. He hoped, at first, to make use of the names of the Duke of Monmouth and Lord Russell, to catch the idle and unwary, by the respect paid to their characters; but when he found them too cautious to compromise themselves, he endeavoured to ruin their credit with the citizens. He said that the Duke of Monmouth was a tool of the Court; that Lord Essex had

* In the Life of James, this trial is placed in May, 1683, instead of which, it ought to be Nov. 24. 1682. *N. Luttrell's Diary.*

also made his bargain, and was to go to Ireland; and that, between them, Lord Russell was deceived.* It is a strong testimony to the real worth of Lord Russell, that, when he made himself obnoxious, either to the Court or to the more violent of his own party, the only charge they ever brought against him was, that of being deceived, either by a vain air of popularity, or too great a confidence in his friends.

Lord Shaftesbury, finding himself deserted, then attempted to raise an insurrection, by means of his own partisans, in the city. The Duke of Monmouth, at various times, discouraged these attempts. On one of these occasions, he prevailed on Lord Russell, who had come to town on private affairs, to go with him to a meeting, at the house of Shepherd, a wine-merchant.

Lord Shaftesbury being concealed in the city at this time, did not dare to appear himself at this meeting, but sent two of his creatures, Rumsey and Ferguson. Lord Grey and Sir Thomas Armstrong were also there; but nothing was determined at this meeting.

Soon after this, Lord Shaftesbury, finding he could not bring his friends to rise with the speed he wished, and being in fear of being discovered if he remained in London any longer, went over to Holland. He died in January, 1683.

The year, which thus begun with the death of Shaftesbury, was nearly fatal to the liberties of England. The surrender of the city's charter, and its renewal on the most abject terms; the decree of the university of Oxford, enforcing slavery as a moral and religious duty; the deaths of Russell and of Sydney, were deep, and almost mortal wounds to our constitution.

After Shaftesbury was gone, there were held meetings of his former creatures, in the chambers of one West, an active, talking man, who had got the name of being an atheist. Col. Rumsey, an officer who had served under Cromwell, and afterwards in Portugal; Ferguson, who had a general propensity for plots; Goodenough, who

* Burnet.

had been under-sheriff; and one Holloway, of Bristol, were the chief persons at these meetings. Lord Howard was, at one time, among them. Their discourse seems to have extended itself to the worst species of treason and murder; but whether they had any concerted plan for assassinating the King, is still a mystery. Amongst those who were sounded in this business, was one Keeling, a vintner sinking in business, to whom Goodenough often spoke of their designs. This man went to Legge, then made Lord Dartmouth, and discovered all he knew. Lord Dartmouth took him to Secretary Jenkins, who told him he could not proceed without more witnesses. It would also seem that some promises were made to him; for he said in a tavern, in the hearing of many persons, that "he had considerable proffers made him of money, and a place worth 100l. or 80l. per annum, to do something for them*;" and he afterwards obtained a place in the Victualling Office, by means of Lord Halifax.† The method he took of procuring another witness, was by taking his brother into the company of Goodenough, and afterwards persuading him to go and tell what he had heard at Whitehall.

The substance of the information given by Josiah Keeling, in his first examination, was that a plot had been formed for enlisting forty men, to intercept the King and Duke, on their return from Newmarket, at a farm-house called Rye, belonging to one Rumbold, a maltster; and this plan being defeated by a fire at Newmarket, which caused the King's return sooner than was expected, the design of an insurrection was laid; and, as the means of carrying this project into effect, they said that Goodenough had spoken of 4000 men, and 20,000l. to be raised by the Duke of Monmouth, and other great men. The following day, the two brothers made oath that Goodenough had told them that Lord Russell had promised to engage in the design, and to use all his interest to accomplish the killing of the King and the Duke. When the council found that the

* Examinations before the Lords, 1689. † Ibid.

Duke of Monmouth and Lord Russell were named, they wrote to the King to come to London; for they would not venture to go further, without his presence and leave.* In the mean time, warrants were issued for the apprehension of several of the conspirators. Hearing of this, and having had private information from the brother of Keeling, they had a meeting on the 18th June, at Captain Walcot's lodging. At this meeting were present Walcot, Wade, Rumsey, Norton, the two Goodenoughs, Nelthrop, West, and Ferguson. Finding they had no means either of opposing the King, or flying into Holland, they agreed to separate, and shift each man for himself.†

A proclamation was now issued for seizing on some who could not be found; and amongst these, Rumsey and West were named. The next day, West delivered himself, and Rumsey came in a day after him. Their confessions, especially concerning the assassination at the Rye House, were very ample. Burnet says, they had concerted a story to be brought out on such an emergency.

In this critical situation, Lord Russell, though perfectly sensible of his danger, acted with the greatest composure. He had, long before, told Mr. Johnson, that "he was very sensible he should fall a sacrifice: arbitrary government could not be set up in England without wading through his blood."‡ The day before the King arrived, a messenger of the council was sent to wait at his gate, to stop him if he had offered to go out: yet his back-gate was not watched, so that he might have gone away, if he had chosen it. He had heard that he was named by Rumsey; but, forgetting the meeting at Sheppard's, he feared no danger from a man whom he had always disliked, and never trusted. Yet he thought proper to send his wife amongst his friends for advice. They were at first of different minds; but, as he said he apprehended nothing from Rumsey, they agreed that his flight would look too like a confession of guilt. This advice coinciding with his own opinion, he determined to stay where he was. As soon as the King arrived, a messenger was sent to bring him be-

* Burnet. † Sprat. ‡ Lords' Examination, 1689.

fore the council. When he appeared there, the King told him that nobody suspected him of any design against his person; but that he had good evidence of his being in designs against his government. He was examined, upon the information of Rumsey, concerning the meeting at Sheppard's, to which Rumsey pretended to have carried a message, requiring a speedy resolution, and to have received for answer, that Mr. Trenchard had failed them at Taunton. Lord Russell totally denied all knowledge of this message. When the examination was finished, Lord Russell was sent a close prisoner to the Tower. Upon his going in, he told his servant, Taunton, that he was sworn against, and they would have his life. Taunton said he hoped it would not be in the power of his enemies to take it. Lord Russell answered, "Yes; the devil is loose."*

From this moment he looked upon himself as a dying man, and turned his thoughts wholly to another world. He read much in the Scriptures, particularly in the Psalms; but whilst he behaved with the serenity of a man prepared for death, his friends exhibited an honourable anxiety to preserve his life. Lord Essex would not leave his house, lest his absconding might incline a jury to give more credit to the evidence against Lord Russell. The Duke of Monmouth sent to let him know he would come in, and run fortunes with him, if he thought it could do him any service. He answered, it would be of no advantage to him to have his friends die with him.

A committee of the Privy Council came to examine him. Their enquiries related to the meetings at Sheppard's, the rising at Taunton, the seizing of the guards, and a design for a rising in Scotland. In answer to the questions put to him, he acknowledged he had been at Sheppard's house divers times, and that he went there with the Duke of Monmouth; but he denied all knowledge of any consultation tending to an insurrection, or to surprize the guards. He remembered no discourse concerning any rising at Taunton, and knew of no design for a rising in Scotland. He answered his examiners in a civil manner, but declined making any defence till his trial, when he had no doubt

* MSS. at Woburn.

of being able to prove his innocence. The charge of treating with the Scots, as a thing the Council were positively assured of, alarmed his friends, and Lady Russell desired Dr. Burnet to examine who it could be that had charged him; but, upon enquiry, it appeared to be only an artifice to draw a confession from him: and, notwithstanding the power which the Court possessed to obtain the condemnation of their enemies, by the perversion of law, the servility of judges, and the submission of juries, Lord Russell might still have contested his life, with some prospect of success, had not a new circumstance occurred to cloud his declining prospects. This was the apprehension and confession of Lord Howard. At first, he had talked of the whole matter with scorn and contempt; and solemnly professed that he knew nothing which could hurt Lord Russell. The King himself said, he found Lord Howard was not amongst them, and he supposed it was for the same reason which some of themselves had given, for not admitting Oates into their secrets, namely, that he was such a rogue they could not trust him; but when the news was brought to Lord Howard that West had delivered himself, Lord Russell, who was with him, observed him change colour, and asked him if he apprehended any thing from him? He replied, that he had been as free with him as any man. Hampden saw him afterwards under great fears; and desired him to go out of the way, if he thought there was matter against him, and he had not strength of mind to meet the occasion. A warrant was now issued against him, on the evidence of West; and he was taken, after a long search, concealed in a chimney of his own house. He immediately confessed all he knew, and more. It appears but too probable, indeed, from the two following extracts, the one from Narcissus Luttrell's diary, and the other from Lady Russell's private notes, that Lord Howard, on the first appearance of danger, endeavoured to save his life at the expense of that of his friends:—

"Ever since the first discovery of this plot, (says Narcissus Luttrell,) there have been discourses of a Peer's coming in to discover the same, which now proves to be the Lord Howard."

Note, endorsed by Lady Russell:—" This was said before (*by?*) the Lady Chaworth."

" There having run a story of a letter, without a name, writ to the King, promising a discovery against Lord Russell, which some said was Lord Huntington's, some Lord Essex's, Lord Howard and his wife being here on Sunday last, a lady coming in, whispered me in the ear, that here was the Lord that now they said had written the said letter to His Majesty. I whispered to her again, and asked her whether she would give me leave to tell him. She answered, Aye, if you will, when I am gone, without naming me. After which, she, and all the rest of the company, being gone, except Lord Howard and his lady, who staid for their coach, I said to my Lord and his wife, 'My Lord, they say now that you are the person that writ the nameless letter to the King.' To which he replied, 'My Lord of Essex, as much as I; and I, as much as my Lord of Essex. May my Lord Russell, and all innocent men, live till I accuse them!"

Hampden and Lord Russell were imprisoned upon Lord Howard's information; and, four days afterwards, Lord Russell was brought to trial: but, in order to possess the public mind with a sense of the blackness of the plot, Walcot, Hone, and Rouse were first brought to trial, and condemned, upon the evidence of Keeling, Lee, and West, of a design to assassinate the King.

A circumstance of more melancholy interest, but also tending to produce an impression unfavourable to Lord Russell, happened on the very morning of his trial. We have seen that Lord Essex staid in his own house, without any apparent uneasiness, from an apprehension that his flight would be injurious to his friend. An order was now given for his arrest, on the information of Lord Howard. A party of horse was sent to bring him up from his house at Cassiobury. He was at first in some disorder, but soon recovered himself. When he came before the council, however, he was in much

confusion. He was sent to the Tower, and there fell under a great depression of spirits. He sent, by his servant, a very melancholy message to his wife: that what he was charged with was true; that he was sorry he had ruined her and her children; and that he had sent to Lord Clarendon, who had married his sister, to speak freely to him. She immediately sent back to him, to beg that he would not think of her or her children, but only study to support his own spirits; and desired him to say nothing to Lord Clarendon, nor to any one else, till she should come to him, which she hoped to get leave to do in a day or two. Lord Clarendon came to him upon his message, but he turned the matter off, as if he only wished to explain something he had said before the council. Lord Clarendon was satisfied that he had nothing farther to communicate.* After this he sent another message to his wife, that he was much calmer, especially when he found how she took his condition to heart, without seeming concerned for herself. The condition of his friend, Lord Russell, seems to have pressed heavily on his mind. He sent to the Earl of Bedford to say, he was more concerned for his son's condition than even Lord Bedford himself. And Lord Russell, when he looked towards Lord Essex's window, had observed him retire immediately into his room.

On the morning appointed for Lord Russell's trial, his servant Bommeny (as he asserted), thinking he staid longer in his room than ordinary, looked through the key-hole, and there saw him lying dead. He said that, upon breaking open the door, he found his master with his throat cut, quite dead. At the time, it was universally supposed that Lord Essex was the author of his own death; but this opinion was afterwards rendered doubtful, by the deposition of two children of thirteen years of age, totally unknown to each other, who declared that they saw a bloody razor thrown out of the window of Lord Essex's chamber. Braddon, who gave currency to these reports, was tried and convicted as a spreader of false news. After the

* Burnet.

Revolution, a committee of the House of Lords, consisting of Lord Bedford, Lord Devonshire, Lord Delamere, and Lord Monmouth, was named, to enquire into the death of Lord Essex. They examined above sixty witnesses; but Lord Devonshire, Lord Delamere, and Lord Monmouth, being obliged to leave London on public business, the investigation was suspended, and Parliament being soon afterwards dissolved, it was never resumed. Some time before this, however, Lady Essex had called a meeting of her relations, at which Lord Bedford, Lord Devonshire, and Bishop Burnet were present; at which she declared she believed Lord Essex had killed himself, and desired the business might fall. * The depositions taken before the Lords are not to be found; it would be idle, therefore, at the present time, to pretend to give any opinion on the subject; and I should say no more on it, were it not that I have been assured, by the present Earl of Essex, that Lord Onslow told him, when a boy, that he had seen the entry of a grant of money to Bommeny in the books of the Treasury. After a careful examination, however, which has been made at my desire, no such entry can be found.

The interval between the imprisonment of Lord Russell, and his trial, were anxiously spent by Lady Russell in preparations for his defence. The two following notes are the best evidence of the nature of her employment; and the last will be valuable to those who set a price upon any memorial tending to show how well firmness may be combined with affection.

Lady Russell to Lord Russell.

" I had, at coming home, an account that your trial, as to your appearing, is not till to-morrow. Others are tried this day, and your indictment presented, I suppose. I am going to your counsel, when you shall have a further account from ——"

* Diary of Henry Earl of Clarendon.

Lady Russell to Lord Russell.

Endorsed—" To ask his leave to be at his trial."

" Your friends, believing I can do you some service at your trial, I am extreme willing to try (if) my resolution will hold out — pray let yours. But it may be the Court will not let me; however, do you let me try. I think, however to meet you at Richardson's, and then resolve: your brother Ned will be with me, and sister Marget."

CHAP. XV.

TRIAL OF LORD RUSSELL.

On Friday, the 13th of July, Lord Russell was placed within the bar of the Old Bailey, to take his trial for high-treason.

The clerk of the Crown, having desired him to hold up his hand, proceeded to read the indictment, the substance of which was " for " conspiring the death of the King, and consulting and agreeing to " stir up insurrection; and to that end to seize the guards, for the " preservation of the King's person."

On the question of guilty, or not guilty, being put to him, Lord Russell asked the Lord Chief Justice, (Sir Francis Pemberton,) if he might not have a copy of the matter of fact, laid against him, in order that he might know how to answer it; but being told nothing could be granted until he should plead, he pleaded, Not Guilty. The usual question then being asked, how he would be tried? Lord Russell observed, he thought a prisoner was never arraigned, and tried at the same time. To which the Lord Chief Justice answered, " that for crimes of this nature it was continually done."

The Attorney-General said, his Lordship had no reason to complain; since Monday se'nnight he had had notice of trial, and the matter alleged against him; that he had the liberty of counsel to advise him; and that no sort of privilege had been denied, which became a subject in his condition to have.

Lord Russell replied, he had heard only some general questions: he expected witnesses who could not arrive before night; and thought it very hard he could not be allowed one day more.

The Lord Chief Justice told him, without the King's consent, they could not put off the trial. Lord Russell then demanded a copy of the pannel of the jury, that he might challenge them.

The Lord Chief Justice and Attorney-General expressed their surprise, that his lordship had not received a list, as they had ordered the Secondary Normansel to prepare one. Lord Russell begging that he might have one, the Lord Chief Justice wished to defer his trial till the afternoon, which the Attorney-General opposed. Upon this he observed his case was very hard; to which Sir Robert Sawyer, then Attorney-General, answered, "Do not say so; the "King does not deal hardly with you; but I am afraid it will appear "you would have dealt more hardly with the King; you would not "have given the King an hour's notice for saving his life."

The Secondary Normansel was then sent for, when it appeared that a list of names had been given to Lord Russell's servant, who delivered it to Lady Russell, from whom his lordship received it; but Lord Russell stated, the names of the persons on the list were those who were generally on juries, but not a pannel.

A conversation then took place between Lord Russell, the Lord Chief Justice, and the Attorney-General, in which Lord Russell complained of not having been furnished with a proper copy of the pannel; and requested his trial might be postponed until the afternoon. The Lord Chief Justice answered; the King's counsel did not think his request reasonable, and would not delay the trial any longer.

The clerk of the Crown then addressed the prisoner, telling him, that if he challenged any of the jurors, he must speak as they came to the book to be sworn, and before they had sworn.

Lord Russell asked for pen, ink, and paper, and the use of any papers he had, which request being granted, he said,

"May I have somebody write to help my memory?"

Attorney-General. "Yes, a servant."

Lord Chief Justice. "Any of your servants shall assist in writing any thing you please."

Lord Russell. "My wife is here, my lord, to do it."

Lord Chief Justice. "If my lady please to give herself the trouble."

The jury being then called, Lord Russell objected to Sir Andrew Foster as not being in the list. John Martin was next called, upon

which Lord Russell asked if he was possessed of a freehold of forty shillings a year, adding, he hoped none would be allowed in the pannel but those who were freeholders, for by the statute of 2 Hen. V., it was enacted, that no person shall be judged, in cases of life and death, but by persons possessing freehold property to that amount.

The Lord Chief Justice answered, that the city of London belonging much to nobility and gentry who live abroad, was an exception to this. Upon which Lord Russell requested, as it was a point of law, his counsel might be called in to argue it.

Mr. Pollexfen, Mr. Holt, and Mr. Ward, the counsel assigned to Lord Russell, were then called, and used many arguments to prove that no person could be a juryman in this case, who did not possess freehold property, in which they were opposed by the Attorney and Solicitor General. The Lord Chief Justice, the Lord Chief Baron, Mr. Baron Street, and the Justices Windham, Jones, Leving, and Withins, gave their opinions against Lord Russell. The Lord Chief Justice then delivered the opinion of the Court in the following words: —

"My Lord, the Court is of opinion, upon hearing your lordship's "counsel, and the King's, that it is no good challenge to a jury, in "case of treason, that he has not freehold within the city. But I "must tell your lordship withal, that your lordship has nothing of "hardship in this case, for notwithstanding that, I must tell you that "you will have as good a jury, and better than you should have had "in a county of 4*l.*, or 40*s.* a-year freeholders. The reason of the "law for freeholds is, that no slight persons should be put upon a "jury, where the life of a man, or his estate, comes in question; but "in the city, the persons that are impannelled are men of quality "and substance, men that have a great deal to lose. And therefore "your lordship hath the same in substance, as if a challenge was "allowed in freehold. It will be no kind of prejudice to your "lordship in this case. Therefore, if you please, apply yourself as "the jury is called, and make your exceptions if you shall make "any."

Then the jury were called, and after Lord Russell had challenged one-and-thirty of them, the jury were sworn.

Mr. North then addressed the court and jury, stating the charge against the prisoner.

The Attorney-General followed, and stated, that he should prove by evidence, that Lord Russell, the Duke of Monmouth, Lord Grey, Sir Thomas Armstrong, and Mr. Ferguson, whom he called the council of state, were to give directions for the general rising throughout the kingdom. He observed this plot required persons of interest, prudence, and secrecy, to manage it: that these gentlemen had frequent meetings for the purpose; the noble prisoner at the bar being mixed with the others, especially with Ferguson: that they had received several messages from Lord Shaftesbury, touching the general rising, and were looked upon, and acknowledged, as the persons who were to conclude and settle the time, and all other circumstances attending it: that it seemed these gentlemen could not give the Earl of Shaftesbury satisfaction to his mind, having disappointed him on the day (the 17th of November) appointed for the rising, in consequence of an account that Mr. Trenchard, whom they depended on for a thousand foot, and two or three hundred horse, had failed them, which gave Lord Shaftesbury great displeasure, and occasioned his and Mr. Ferguson's going away: that to carry on the practice, Sir T. Armstrong and Lord Grey were left out of the Council, and a new one of six persons was formed, consisting of the honourable prisoner at the bar, the Duke of Monmouth, Lord Howard, the Earl of Essex, (who he was sorry to say had that morning prevented the hand of justice on himself,) Colonel Sydney, and Mr. Hampden. These six had frequent consults; they debated in what manner they should make the rising; and Colonel Sydney dispatched Aaron Smith to invite Scotch commissioners to treat with these noble lords; that in consequence several came from Scotland for the purpose, who at first demanded 30,000*l.*, then 10,000*l.*, and at last fell to 5000*l.*, which they said they would take, and run all hazards; but the Council not

coming to their terms, the agreement broke off the week the plot was discovered. He concluded by saying he should proceed to call witnesses to prove these facts, which God had pleased to bring to light, with as plain an evidence as ever was heard.

The first witness sworn was Colonel Rumsey, who, on being desired by Judge Jeffries to disclose all he knew of the different meetings, and the debates at those meetings, gave the following account:—That late in October, or early in November, he was at Lord Shaftesbury's lodgings, down by Wapping, where that lord lay concealed, and was told by him there were met at one Mr. Sheppard's house, the Duke of Monmouth, Lord Russell, Lord Grey, Sir Thomas Armstrong, and Mr. Ferguson; that Lord Shaftesbury desired him to go to, and speak to them respecting the rising at Taunton; that he went accordingly, and was conducted to the room, where they were assembled, by Mr. Sheppard; that in answer Mr. Ferguson told him, Mr. Trenchard had failed them, and nothing more could be done at that time; that during the time he was in the house, some conversation took place respecting a declaration, and there was a proposal made to seize the guards at the Savoy and Mews; and the Duke of Monmouth, Lord Grey, and Sir T. Armstrong, undertook to reconnoitre their position. The witness then repeated, at the desire of Jeffries, the message of Lord Shaftesbury, and Ferguson's answer.

Attorney-General. "Was the prisoner at the bar present at that debate?"

Colonel Rumsey. "Yes."

Serjeant Jefferies. "Did you find the prisoner averse, or agreeing to it?"

Colonel Rumsey. "Agreeing to it."

Serjeant Jeffries then asked Lord Russell "If he had any questions to ask the witness?" To which he replied, "I have very few "questions to ask him, for I know little of the matter: for it was "the greatest accident in the world I was there; and when I saw "that company was there, I would have been gone again. I came

"there accidentally to speak with Mr. Sheppard: I was just come to "town; but there was no discourse of surprising the guards, nor any "undertaking of raising an army."

Lord Chief Justice. "We will hear you to any thing by-and-by; "but that which we now desire of your lordship is, as the witnesses "come, to know if you would have any particular questions asked of "them."

Lord Russell. "I desire to know if I gave any answer to any mes-"sage about the rising."

Colonel Rumsey. "Yes; my Lord Russell did speak of it."

Lord Russell. "How should I discourse of the rising at Taunton, "that knew not the place, nor had knowledge of Trenchard!"

Mr. Sheppard, who was next sworn, stated, that in October last Mr. Ferguson came to him, and desired the conveniency of his house for the Duke of Monmouth, and some other persons of quality, to meet there, which was granted, and in the evening the Duke of Monmouth, Lord Grey, Lord Russell, Sir Thomas Armstrong, Colonel Rumsey, and Mr. Ferguson came. Sir Thomas Armstrong desired no servants might be admitted: he (Mr. S.) himself fetched wine, &c.; that the substance of their discourse was, how they might surprise the King's guards, who were viewed for that purpose by the Duke of Monmouth, Lord Grey, and Sir T. Armstrong. The latter said they were very remiss, and not like soldiers.

Attorney-General. "How many meetings had you there?"

Mr. Sheppard. "I remember but twice, Sir."

Serjeant Jefferies. "Was my Lord Russell there?"

Mr. Sheppard. "Yes, Sir, as I remember——"

He then proceeded to state, that a paper, in the nature of a declaration, was read, setting forth the grievances of the nation, in order to a rising, &c. &c., but he could not particularly remember the words.

Foreman of the Jury. "Can you say my Lord Russell was there "when that declaration was read, as you call it?"

Sheppard. "I can't say that."

Attorney-General. "But he was there when they talked of seizing "the guards?"

Sheppard. "Yes, my lord was there then."

Lord Russell. "I never was at your house but once, and there was "no such design, as I heard of. I desire that Mr. Sheppard may "recollect himself."

Sheppard. "Indeed, my lord, I can't be positive in the times. "My lord, I am sure, was at one meeting."

Lord Chief Justice. "But was he at both?"

Sheppard. "I think so, but it was eight or nine months ago, and "I cannot be positive."

Lord Russell. "I can prove I was then in the country. Colonel "Rumsey said there was but one meeting."

Colonel Rumsey. "I do not remember I was at two: if I was not, "I heard Mr. Ferguson relate the debates of the other meeting to my "Lord Shaftesbury."

Lord Russell. "Is it usual for the witnesses to hear one another?"

Lord Chief Justice. "I think your lordship need not concern your-"self about it; for I see the witnesses are brought in one after "another."

Lord Howard was then sworn: He said, that at the time of the long dispute in the city about the election of sheriffs, he was acquainted with Captain Walcot, and introduced him to Lord Shaftesbury, whose confidence he soon gained; that being acquainted with many persons in the city, he entered into their counsels; that he afterwards came to him (Lord Howard), and told him, they were sensible all they had was going——

One of the Jury. "We cannot hear you, my lord."

Lord Howard. "There is an unhappy accident happened, which "hath sunk my voice: I was but just now acquainted with the fate "of my Lord of Essex." Having thus shown his sensibility at the death of one of his victims, Lord Howard proceeded to take away the life of another.

Captain Walcot, he continued, had told him they were sensible all their interest was going; and they were resolved to stop it, if possible: that divers preparations were making, and that, for himself, he was determined to embark in it, and, for that purpose, would send his son to dispose of his stock on his establishment in Ireland, to furnish money for the undertaking: that, soon after this, he (the witness) went to his estate in Essex; but that Captain Walcot and he carried on a correspondence in cant terms: that Captain Walcot acquainted him all was going on well, and requested him to be in town about the middle of September: that, being anxious to see the result of that great affair, the determination of the shrievalty, he came to town on Michaelmas day. On the day following, Captain Walcot dined with him, and told him, Lord Shaftesbury had withdrawn from his own house, and secreted himself; that Lord S. desired much to see him, and had sent Captain Walcot to bring him to his place of concealment: that he accordingly went, with Captain Walcot, to one Watson's house, in Wood-street, where he saw Lord Shaftesbury, who told him, he considered himself, and all honest men, unsafe, while the administration was in the hands of those who would accommodate all things to the Court: that affairs were now ripe; and he did not doubt, with the assistance of those men he had in London, to be able to turn the tide that was ready to overflow. He complained of the unhandsome deportment of the Duke of Monmouth and Lord Russell, who had withdrawn from their engagements; for when he had got every thing ready in London, they said they were not so in the country; which he looked on only as an excuse, and expressed his determination to begin the work alone: he had 10,000 brisk boys, who, he said, would follow him whenever he held up his finger. The plan was to seize the gates, and, when their numbers had sufficiently increased, to sally out and possess themselves of Whitehall, by beating the guards. He was certain of the success of this plan; but lamented that these lords had failed him: that he, Lord Howard, answered to this, that Lord S. was aware of his disposition, and the bent of his spirit; but he desired to converse with these lords,

before he gave his assent to the plan. This, with much ado, Lord Shaftesbury at length consented to; and, the next day, he visited the Duke of Monmouth, and told him the complaint Lord Shaftesbury made against him, concealing the truth that he had been with him, but pretending to have heard it from a third person. The Duke answered, he thought Lord Shaftesbury was mad; he and Lord Russell had not given him any encouragement, and had told him it was impossible to do any thing in the country at that time. He then asked the Duke, if he was willing to meet Lord Shaftesbury; to which the Duke replied, he was, "with all his heart." This conversation was, on the Wednesday following, related by him to Lord Shaftesbury, who denied the truth of the Duke's assertion, and said, he suspected some artificial bargain between him and his father, to save one another. He said, that several honest men, in the city, had asked him how the Duke of Monmouth lived; which question he could not answer, as he knew he was dependent upon the King. He thought the Duke had no other design but personal interest; whilst his, and his people's wish, was for a Commonwealth. He saw no good could result from an interview; it would but widen the breach; and he was afraid to trust him. He then said, his friends had gone too far to recede; that, in addition to the 10,000 men, they would have 1000 or 1500 horse, that were to be drawn insensibly into town; and enlarged greatly on the means they possessed, and other heads. To this Lord Howard answered, nothing would satisfy him but a meeting between Lord S. and the Lords; which, however, he would not consent to, but told him he might inform them of the state of forwardness he was in; and if they did themselves right, they would put themselves in a correspondent action, where their interest most lay. Lord Howard then went to the Duke of Monmouth, who was alone, and expressed to him his fears that the rashness of Shaftesbury would be the ruin of them all; and again requested the Duke to meet Lord S.; to which the Duke replied, he desired nothing so much as to see him. He then returned to Lord Shaftesbury; and, by threatening to break off all correspondence with him, at last got his

consent to an interview, which was to take place on the Sunday following, at his own house. In the morning, however, a note was left there by Colonel Rumsey, stating, the meeting could not be that day. Captain Walcot came, a few days afterwards, to Lord Howard, and told him Lord Shaftesbury had withdrawn, but did not doubt that they should hear from him soon; and that there would be a rising in about eight or ten days. This intelligence he communicated to the Duke of Monmouth; and the consequence was, that Lord Russell (so he was told) forced his way to Lord Shaftesbury, and persuaded him to put off the day of his rendezvous, which he consented to, on condition that they would be in readiness to raise the country about that day fortnight. The Duke of Monmouth observed, that, though they had now put it off, they must not be idle; for it would be impossible to hold off any longer. He had been at Wapping, and never saw brisker fellows. He had been round the Tower, and believed it easy to possess themselves of it; and added, that he had spoken to Mr. Trenchard to take particular care of Somersetshire; but that Mr. Trenchard turned so pale, he thought he would have fainted. The next day, the Duke of Monmouth said the rising was impossible; for he could not get the gentlemen of the country to stir yet.——

Here Lord Russell interrupted Lord Howard, saying, he thought it very hard that so great part of the evidence was hearsay. The Attorney-General replied, "There is nothing against you; but it's coming to "you, if your lordship will have patience, I assure you."

Lord Howard continued.—He said, after this was put off, Captain Walcot came several times, and discoursed of it; and, about the 17th or 18th October, said they were positively determined to rise, and that a smart party might, perhaps, meet with some great men. This he (Lord H.) told the Duke of Monmouth, adding, he thought, from the intimation, there would be some attempt to kill the King. The Duke replied, "God-so! kill the King! I will never suffer that." They then went in search of Sir Thomas Armstrong, and sent him up and down the city to put off the rising; and this was

done with success: that, afterwards, being at dinner together, on the day the King came from Newmarket, from some insinuations that were made, great anxiety prevailed for his safety, until he arrived in town. Sir T. Armstrong, not being with them at dinner, was supposed to be of the party. The rising was then determined to take place on the 17th November, the anniversary of Queen Elizabeth; but a proclamation, forbidding public bonfires, without leave of the Lord Mayor, made an impression on their minds that their scheme was discovered, and they were again disappointed: that Lord Shaftesbury being told this, he took shipping, and got away, and had not been heard of by him until he was told of his death.

After this, they lay under the dread and apprehension of discovery, from having gone so far, and thought they had entrusted so many, that it was unsafe to retreat. They also considered it was necessary to have some general council, to manage so intricate an affair: they resolved, therefore, to form a little cabal, to consist of six persons, which were, the Duke of Monmouth, Lord Essex, Lord Russell, Algernon Sydney, Mr. Hampden, junior, and himself.

These persons met in the middle of January, at the house of Mr. Hampden, where it was debated which was the most proper place to commence the insurrection, whether in town or in the country; as also a proposition of the Duke of Monmouth, for having a common Bank of 25, or 30,000l. to answer any occasion; but the most material was, how they might draw Scotland in, to co-operate with them, as they thought it necessary that all the diversion possible should be made.

The same persons had a meeting, about ten days afterwards, at Lord Russell's; when they came to a resolution to send messengers to Lord Argyle, and others, into Scotland, to invite persons hither who were judged most able to understand the state of Scotland, and give an account of it. The persons agreed on were Sir John Cochrane, Lord Melville, and Sir Hugh Campbell.

Lord Howard then stated, that, in consequence of this resolution, Col. Sydney told him he had dispatched Aaron Smith into Scotland,

and gave him 60 guineas for the journey: that, after this, they considered these meetings might have been observed, and they agreed not to meet until after the return of the messenger.

Attorney General. "You are sure my Lord Russell was there?"

Lord Howard. "Yes, Sir: I wish I could say he was not."

Attorney-General. "Did he sit there as a cypher? What did my lord say?"

Lord Howard. "Every one knows my Lord Russell is a person of great judgment, and not very lavish in discourse."

Lord Howard then proceeded to state, that the return of the messenger was in about six weeks; that he was then in Essex, and when he returned, he heard Sir John Cochrane had arrived in London. Soon after this, he went to Bath, and staid there five weeks; since he arrived in London was five weeks more, all which time had been a perfect parenthesis; and more than this he knew not.

Lord Russell being now asked if he had any questions to put to the witness, said, that the two times they met, it was "upon no formed design, only to talk of news, and things in general;" and that "Lord Howard was a man of a voluble tongue, talked very well, and they were delighted to hear him."

The messenger, Atterbury, was then sworn; who said he had Sir Hugh Campbell in custody, being taken with his son making their escape from a woodmonger's house. The Attorney-General then said he should call persons to prove that they looked upon these lords as their paymasters, and expected their assistance. Mr. West, Mr. Keeling, and Mr. Leigh, were called.

Mr. West was then sworn; he said, in answer to a question put to him by the Attorney-General, that Lord Russell was the person they most depended on, as he was a man of great sobriety.

Lord Russell. "Can I hinder people from making use of my name? "To have this brought to influence the gentlemen of the jury, and "inflame them against me, is very hard."

Serjeant Jeffries then said, that they had finished their case; and the Lord Chief Justice addressing Lord Russell, stated the evidence of

the witnesses against him, and that it was time for him to give his answer. Lord Russell, after some remarks on Colonel Rumsey's ingratitude to the King, which made him totally unworthy to be believed, asked upon what statute he was tried: for, by the 13th of Charles II., which makes it high treason to conspire to levy war, the prosecution must be brought on within six months. And by the 25th of Edward III., a design to levy war is not treason. The Attorney-General answered, that he was prosecuted on the 25th of Edward III., and that it had been often determined, that to prepare forces to fight against the King, is a design, within that statute, to kill the King.

Lord Russell said this was a matter of law. He also urged, that there was but one witness to the business of Sheppard's house, whereas by the law two were required; and he desired that counsel might be heard to argue these points for him. The Attorney-General and Chief Justice told him, that unless he would admit the fact, he could not have counsel to speak on the law. Lord Russell refused to admit the fact as proved; declared he was ready to swear he never heard Rumsey bring any message; that Rumsey had been in the room some time before he came; and could not say before the King, some days before, that he had heard the message.

The Lord Chief Justice then desired to have the Act 25th Edward III. read. After the Act was read, Lord Russell again urged, that there should be two witnesses to one thing at the same time. He was answered, that in Lord Stafford's case there had been but one witness to one act in England, and another to one in France.

He then said, addressing himself to Rumsey, with respect to the meeting at Sheppard's: "The Duke of Monmouth and I came together, and you were standing at the chimney when I came in; you were there before me. My Lord Howard hath made a long narrative here of what he knew. I do not know when he made it, or when he did recollect any thing: it is but very lately that he did declare and protest to several people, that he knew nothing against me, nor of any plot I could in the least be questioned for."

Lord Chief Justice. "If you will have any witnesses called to that, you shall, my lord."

Lord Russell then called Lord Anglesey, who swore, that, being on a visit of condolence to the Earl of Bedford, Lord Howard came in for the same purpose, and said to Lord Bedford, "My lord, you are happy in having a wise son, and a worthy person, one that can never sure be in such a plot as this, or suspected for it; and that may give your lordship reason to expect a very good issue concerning him. I know nothing against him, or any body else, of such a barbarous design, and therefore your lordship may be comforted in it."

Mr. Howard, a relation of Lord Howard, and Dr. Burnet, gave evidence of Lord Howard's solemn denial of his knowledge of the plot. Lord Cavendish, and Dr. Cox, proved that Lord Russell had expressed an ill opinion of Colonel Rumsey, long before his own arrest. The Duke of Somerset, Lord Clifford, Mr. Gore, Dr. Tillotson, Dr. Burnet, and Dr. Fitzwilliams, spoke to the general excellence of Lord Russell's character. Dr. Tillotson said, "I have been many years last past acquainted with my Lord Russell. I always judged him a person of great virtue and integrity; and by all the conversation and discourse I ever had with him, I always took him to be a person very far from any such wicked design he stands charged with." This testimony is valuable, from the high reputation of the witness. The following is remarkable, from the emphatic energy of the expressions: — Mr. Gore said, "I have been acquainted with my lord several years, and conversed much with him. I took him to be one of the best sons, one of the best fathers, and one of the best masters,—one of the best husbands, one of the best friends, and one of the best Christians we had."

Lord Howard tried to excuse what he had said to Lord Anglesey on the pretext that it was his object at that time to outface the King, both for himself and his party.

Lord Russell then addressed the Court.

"My lord: I cannot but think myself very unfortunate in appearing at this place, charged with a crime of the blackest and wickedest

nature, and that intermixed and intricated with the treasonable and horrid practices and speeches of other men: and the King's learned counsel taking all advantages, improving and heightening every circumstance against me; and I myself no lawyer, a very unready speaker, and altogether a stranger to proceedings of this kind; besides, naked, without counsel, and one against many; so that I cannot but be very sensible of my inability to make my just defence.

"But you, my lords the judges, I hope, will be equal and of counsel for me; and I hope, likewise, that you, gentlemen of the jury, (though strangers to me,) are men of conscience, that value innocent blood, and do believe that with what measure you mete, it shall be measured to you again, either in this, or in another world. Nor can I doubt, but you will consider the witnesses as persons that hope to save their own lives, by their swearing to take away mine.

"But to answer, in short, what is laid to my charge, I do, in the first place declare, that I have ever had a heart sincerely loyal and affectionate to the King and government, (which I look upon as the best of governments,) and have always as fervently wished and prayed for His Majesty's long life, as any man living.

"And now to have it intimated, as if I were agreeing or abetting to his murder, (I must needs say,) is very hard; for I have ever looked upon the assassination of any private person as an abominable, barbarous, and inhuman thing, tending to the destruction of all society; how much more the assassination of a prince! which cannot enter into my thoughts without horror and detestation: especially considering him as my natural prince, and one upon whose death such dismal consequences are but too likely to ensue. An action so abominably wicked, rash, and inconsiderate, that none but desperate wretches, or mad men, could contrive. And can it be believed that, my circumstances, and the past actions of my life considered, I should be capable of being guilty of so horrid a design? Certainly it cannot.

"As for going about to make or raise a rebellion; that, likewise, is a thing so wicked, and withal impracticable, that it never entered into my thoughts. Had I been disposed to it, I never found, by all

my observation, that there was the least disposition or tendency to it in the people. And it is known, rebellion cannot be now made here, as in former times, by a few great men.

"I have been always for preserving the government upon the due basis, and ancient foundation; and for having things redressed in a legal parliamentary way; always against all irregularities and innovations whatsoever; and so I shall be, I am sure, to my dying day, be it sooner or later." *

The Solicitor-General then addressed the Court in favour of the prosecution. He was followed by Jefferies, who, alluding to Lord Essex, said, that had he not been conscious of his guilt, he would scarcely have brought himself to an untimely end to avoid the methods of public justice.

The Lord Chief Justice, after summing up the evidence, told the jury, "The question before you will be, whether, upon this whole matter, you do believe my Lord Russell had any design upon the King's life, to destroy the King, or take away his life; for that is the material part here." "It is used and given you by the King's counsel as an evidence of this, that he did conspire to raise an insurrection, and to cause a rising of the people, to make, as it were, a rebellion within the nation, and to surprise the King's guards, which,

* I have copied this speech from the original manuscript in Lord Russell's hand-writing; endorsed by Lady Russell, "My lord's own hand; concerns his trial." In the printed trial, the whole substance of the speech appears, but in two different places, pp. 614. 625. Though evidently intended to be spoken altogether, he probably divided it for the sake of convenience at the time. In the printed speech there are also several omissions and mistakes. It begins with "mighty unfortunate," instead of "very unfortunate." "With what measure you mete, it shall be measured unto you," is left out, &c. And the just remark of Lord Russell, that a rebellion could not be then made as formerly by a few great men, is changed into "we have few great men." Dalrymple, always falling into blunders for the sake of effect, improves upon this. After mentioning how the audience received the introduction of Lady Russell to write for her lord, he says, "But when in his defence he said, 'There can be no rebellion *now*, as in former times, for there are *now* no great men left in England,' a pang of a different nature was felt by those who thought for the public." [a] Had Lord Russell said such a thing, the pang felt must have been one of pity, for his want of judgment and propriety.

[a] Dal. Mem. p. 90.

say they, can have no other end but to seize and destroy the King; and it is a great evidence, (if my Lord Russell did design to seize the King's guards, and make an insurrection in the kingdom,) of a design to surprise the King's person. It must be left to you upon the whole matter. You have not evidence in this case, as there was in the other matter, that was tried in the morning, or yesterday, against the conspirators, to kill the King at the Rye. There was a direct evidence of a consult to kill the King, that is not given you in this case. This is an act of contriving rebellion, and an insurrection within the kingdom, and to seize his guards, which is urged an evidence, and surely is in itself an evidence, to seize and destroy the King."

The Court then adjourned till four o'clock; when the jury brought in the verdict of Guilty of the said High Treason.

CHAP. XVI.

THE ILLEGAL CONSTRUCTION PUT ON 25 EDWARD III. — PERJURY OF THE WITNESSES. — LORD RUSSELL'S SENTENCE. — ATTEMPTS MADE TO SAVE HIS LIFE. — HIS PETITION TO THE KING, AND LETTER TO THE DUKE OF YORK. — HIS REFUSAL TO ABJURE THE RIGHT OF RESISTANCE.

It is by no means my intention to discuss at length the legal questions which are involved in the trial of Lord Russell. The first of these questions respects the competency of a jury not composed of freeholders: the second concerns the nature of his offence. By an Act of Henry V., no person is to serve on a jury, in capital cases, but freeholders to the amount of 40*s*. The crown lawyers argued, that this provision was repealed by the Act of the first of Queen Mary, but that Act merely repeals all laws creating treasons since the statute of Edward III., and does not at all interfere with the mode of trial. Lord Russell, therefore, was not legally tried. With respect to the second question, whoever will take the trouble to read the Act of the 25th Edward III., and look over the various prosecutions which have been brought under it, will be convinced that the present law of high treason is a law of the judges, and not of the legislature. The Act provides, that "treason shall be said," "when a man doth compass or imagine the death of our Lord the King;" or, "if a man do levy war against our Lord the King, in his realm." Lawyers have decided that the first of these species of treason extends to any conspiracy to levy war, in order to put any personal restraint upon the King, because the graves of princes are near their prisons; or in order to depose the King, because that is a civil death; or in order to oblige him to alter his measures of government, or remove evil counsellors from about him, because these purposes cannot be effected by open force, without manifest danger to his person. Such interpretations, it is evident, are so far from flowing directly from the law, that they

can only be deduced from it, by doubtful reasoning, and arbitrary definition. The second species of high treason, mentioned above, is construed to mean a rising, not against the King's person, but against his *Majesty*, to effect any general purpose; as to pull down all meeting-houses, destroy all enclosures, &c.* These extensions of the law of treason were attempted by Richard II. and Henry VIII. with the consent of the legislature, but repealed by the Act of Queen Mary.† At the time Lord Russell was tried, there was no precedent, which bore directly on his case. Dr. Storey was tried for conspiring with a foreign prince. Lord Cobham, who had been convicted in the reign of James I., had clearly intended to confine the King's person, till he complied with the demands of the conspirators. Plunket, who had been executed a little before, was also charged with conspiring to bring a foreign force into the realm. So little settled, in short, was the law in Lord Russell's case, that the act for annulling his attainder, passed in the first year of William and Mary, recites that he "was, by undue and illegal return of jurors, having been refused his lawful challenge to the said jurors, for want of freehold, and, by PARTIAL AND UNJUST CONSTRUCTIONS OF LAW, WRONGFULLY CONVICTED, ATTAINTED, AND EXECUTED FOR HIGH TREASON."

Without venturing to dwell any further upon my own view of this subject, I copy, with great satisfaction, the recorded sentiments of Mr. Fox — an authority, in my opinion, not easily matched by that of any lawyer. Speaking of those who died for this plot, he says, "That which is most certain in this affair is, that they had committed no overt act, indicating the imagining the King's death, even according to the most strained construction of the statute of Edward the Third; much less was any such act legally proved against them: and the conspiring to levy war was not treason, except by a recent statute of Charles the Second, the prosecutions upon which were

* Foster's Discourses on Crown Law, c. i. s. 3, 4, 5, and 6.

† See the trial of Hardy, and especially Lord Erskine's admirable speech.

expressly limited to a certain time, which, in these cases, had elapsed; so that it is impossible not to assent to the opinion of those who have ever stigmatised the condemnation and execution of Russell as a most flagrant violation of law and justice."

There were, it is true, two other legal objections made by Lord Russell; but neither appears to me to have much force in it. One was, that he had only assisted as a spectator in the consultation at which he was present; and, therefore, was only guilty of misprision of treason, at most. But this objection will, by no means, hold: for when he asked Colonel Rumsey whether he had consented to the rising at Taunton, the witness answered in the affirmative; and the evidence of Lord Howard went to prove that he was one of a select council of six, to prepare and digest the scheme of an insurrection.

Nor is there any force in the objection, that the acts proved by Rumsey and Howard were separate and distinct. They both tended to the general purpose of insurrection; and the question had been already decided in the case of Lord Stafford. *

The other remarks I have to make concern the degree of credit due to the witnesses. The first of them, Colonel Rumsey, was a man of whom Lord Russell had a bad opinion, and of whom he had spoken slightingly to Lord Cavendish. It was, therefore, not likely that he should trust him. Rumsey gave evidence of his having been at one meeting at Sheppard's: afterwards, he seems not to have been certain whether he had been at two, or whether he had heard the proceedings of the second related by Mr. Ferguson to Lord Shaftesbury. Is this likely? is it credible? Can a man of talent, or any man not an idiot, attend a treasonable meeting, and forget the circumstance within ten months? To the mind of an honest juryman such a circumstance would have borne conviction of the perjury of the witness; and that conviction would have been amply confirmed by the events of the next few years. For, in the month of October, 1685, Good-

* See "Case of William Lord Russell,"—"Antidote against Poison,"—"Defence of Lord Russell's Innocency," &c. in the State Trials, vol. ix. See also Lord Warrington's Works.

enough, having been arrested, offered, in order to save his life, to swear treason against Cornish, whom he secretly hated for the opposition which Cornish had made, when sheriff, to his own appointment as under-sheriff. To put the more force and venom into his information, he said that Rumsey had not discovered all he knew. Rumsey, alarmed at this charge, came forward and swore, without hesitation, to all that Goodenough chose to invent. Cornish was arrested, tried, condemned, and executed within ten days: but it soon appeared that Rumsey had perjured himself; for he had sworn that Cornish was at Sheppard's house when a paper, intended for a declaration, was read, which he, Rumsey, had also heard. Whereas, on Lord Russell's trial, he had sworn that he had not heard the declaration read; and that no one had been present except those he then mentioned, of whom Cornish was not one. His evidence was also contradicted by that of Sheppard, who swore that Cornish was not present when the pretended declaration was read. This notorious instance of perjury opened the eyes of all men; and such discredit was thrown upon Rumsey, that the King found it impossible to employ him any more. The head and limbs of Cornish were taken down, and his estate restored to his family. With that degree of justice and gratitude which is common to bad kings, James sent Rumsey to be confined in the secret state prison in the island of St. Nicholas, in Plymouth harbour, which was then used, in defiance of the writ of habeas corpus. James probably feared an open trial for perjury, and a vindication of the memory of Lord Russell. It is material to observe, that the perjury of Rumsey relates to the meeting at Sheppard's, the matter on which his evidence was fatal to Lord Russell. It is also of much importance to remark, that Lord Grey, whose narrative was written to please James, admits that he did not hear Rumsey deliver any message.

The next witness against Lord Russell was Sheppard. "Taking this evidence by itself," says Sir John Hawles, "without tacking Rumsey's evidence to it, it was so far from being evidence of treason, that it was no crime; for he doth not say it (*seizing the guards*) was intended to be put in practice, notwithstanding all said by him. Both

the discourses, and persons viewing the guards (which last was not evidence, nor ought to have been given in evidence) might be a matter to try each other's judgments, as well as an evidence of a thing designed; and if it be capable of two interpretations, the law hath said, it shall be taken *in mitiore sensu*, in favour of life."

With respect to Sheppard, it may also be remarked, that, when asked by Serjeant Jeffries, he said that Lord Russell was present at both meetings; but when the question was repeated by Lord Russell himself, he said he could not be positive as to the times; and that he was sure he was at one meeting.

If the evidences of Rumsey and Sheppard are taken away, as it appears they ought to be, there remains only the single testimony of Lord Howard. But one witness upon capital charges is not sufficient. To examine the details of his long narrative were, therefore, a superfluous labour; but some particulars of his conduct unavoidably force themselves on the mind: the recollection of his despicable character, which exposed him to the contempt even of the King*; his solemn and repeated denial of all knowledge of the plot, at a time when, it is but too probable, he had written to Court to offer himself as an informer; and the natural aversion which Lord Russell seems to have had to him, heighten our sorrow and indignation at the result of the trial, with the reflection, that the lives of the best are at the disposal of the basest of mankind.

With respect to the conduct of the trial, Lord Russell seems to have met with fairer usage than he was entitled to expect. The use of his papers, which had been denied to Colledge, was allowed him; and the list of the jury appears to have been given him, though from some mistake he did not understand it was a regular pannel. The charge of the judge, though unfavourable to him, was not violent; so little so, that, according to Burnet, he was dismissed, on that ac-

* Examination of Anthony Row, from the Report to the House of Lords, 20th December, 1689, in the Murders of Lord Russell, &c.

Ex. saith: — "The Duke of Monmouth sent him to the King with two or three letters, whom he found very angry at the Duke for the company he kept, and particularly with the Lord Howard; for the King said 'he was so ill a man, that he would not hang the worst dog he had upon his evidence.'" Yet upon the evidence of this very wretch did Charles put to death the best man in his dominions!

count, soon afterwards. The greatest hardship he sustained was, from his being unable to use the assistance of counsel to argue the law in his favour, without admitting the facts which had been sworn against him. This injustice, however, is to be attributed to the law, and not to the Court; and the hardship experienced by Lord Russell, probably led the way to the alteration in the treason law, which took place after the Revolution, and opened the scene on which modern eloquence was destined to display its powers, and reap its laurels.

On Saturday, the 14th of July, Lord Russell was brought to the bar to receive sentence. Upon being asked why judgment of death should not be passed upon him, he requested to have the indictment read. At the words, "of conspiring the death of the King," Lord Russell said, "Hold: I thought I had not been charged in the indictment as it is, of compassing and conspiring the death of the King."

Attorney-General. "Yes, my lord."

Lord Russell. "But, Mr. Recorder, if all that the witnesses swore against me be true, I appeal to you and to the Court, — I appeal to you, whether I am guilty within the statute of 25th Edward III., they having sworn a conspiracy to levy war, but no intention of killing the King; and, therefore, I think, truly judgment ought not to pass upon me for conspiring the death of the King, of which there was no proof by any one witness."

To this the Recorder replied, that it was an exception proper to be made before the verdict; but that the Court was now bound by the verdict, as well as the prisoner. Thus, in the state of the law at that time, the prisoner was unable to introduce counsel before the verdict, because that were admitting the fact; and he was excluded from arguing the point after the verdict, because the jury had given judgment on the fact and the law together. *

Judgment was then given from the mouth of Sir G. Treby, who had been one of Lord Russell's associates in parliament, in the usual form, with all its disgusting circumstances.

* In the following year, however, Rosewell, a dissenting preacher, having been found guilty of speaking treasonable words, moved in arrest of judgment, that the words were not treason, and got off on that ground.

The King afterwards changed this sentence into that of beheading; and upon this occasion he is said to have added, with a cool and cruel sarcasm, "Lord Russell shall now find that I am possessed of that prerogative, which, in the case of Lord Stafford, he thought proper to deny me." This anecdote, which has been copied by Hume and Dalrymple, rests on the authority of Echard, and I am willing to believe that the remark proceeded from the envenomed tongue of a partisan, rather than from the mouth of the sovereign. Had it been genuine, it would scarcely have been omitted by Burnet, North, and Reresby.

I am the more inclined to distrust the anecdote, because, in the rest of this transaction, the King, though inexorable, seems by no means to have been wantonly unfeeling.

Many attempts were made to save Lord Russell's life. It is said that 50,000*l.* (some say 100,000*l.*) were offered by the Earl of Bedford for a pardon, and that the King refused it, saying, "He would not purchase his own, and his subjects' blood at so easy a rate." *

In the Duke of Monmouth's Journal, it appears that the King, in conference with Monmouth, falling on the business of Lord Russell, said, he inclined to have saved him, but was forced to consent to his death, otherwise he must have broke with his brother. And when Monmouth was going to remonstrate how cruelly that noble lord had been dealt with, the King bid him "think no more of it." It also appears by an extract from Lord Dartmouth's MSS., that his father told the King the pardoning Lord Russell would lay an eternal obligation upon a very great and numerous family, and the taking his life never would be forgotten; that his father being still alive, it would have little effect on the rest of the family, except resentments; and there was some regard due to Southampton's daughter, and her children. The King answered, "all that is true, but it is as true, that if I do not take his life, he will soon have mine." †

* Narcissus Luttrell's Diary. † Dalrymple.

Lady Ranelagh was one of those who showed the most anxiety to save Lord Russell. In the Woburn papers are the two following letters from her:—

"*To the Earl of Bedford.*

"This is to beg your lordship to let my Lady Russell know, that her lord's address to the Duke ought to be by way of petition; and that the sooner it is presented, the better. It is said that Captain Richardson is he who has informed that my Lord Russell says his sufferings are but the prosecution of the Popish plot; but I can scarce believe that true: but being told it, and that that suggestion has much incensed His Majesty against his lordship, I durst not but tell it to your lordship, from whom some good news of the petition, carried by my Lady Russell, would be very welcome to,

"My lord,

"Your lordship's humble Servant,

"K. Ranelagh."

"*For my Lady Russell.*

"Tuesday night.

"I have, Madam, just now obtained from my Lord Rochester, (who has really been very affectionate and faithful in your service,) a promise that he will speak to His Majesty, to get a reprieve for a month; which I urged, by saying none of the rest could be tried in that time. I am advised by another, that, if it were possible, your ladyship should, by some means or other, surprise His Majesty, and cast yourself at his feet, though in the gallery or park, to beg, if not his life, a reprieve: for he avoids seeing and hearing you yourself, because he fears if he did both, he could not deny you. That he may not be able to do so, is the hearty prayer of

"Your ladyship's humble Servant,

"K. Ranelagh."

Burnet says that a difference was observed on this subject between the King and the Duke: the former would not hear Lord Russell mentioned; whilst the latter listened patiently when the question was argued before him. *

It is said, by Dalrymple, that upon Lord Russell's condemnation, the younger Rouvigny begged the life of Lord Russell from Lewis XIV., and that Lewis consented to write to Charles in his favour. There seems to be no foundation for this story, nor, consequently, for the reply, (in bad French,) which Dalrymple puts into the mouth of Charles. † There is, in the papers at Woburn, a note from the elder, not the younger, Rouvigny, to Lady Russell, dated Paris, $\frac{14}{24}$ July, 1683, in which he says: — " J'ai une grande impatience ma chere niece d'etre prés de vous; il y a trois jours que le Roi est arrivé; il a eu le bonté de consentir á mon voyage." But he does not mention a word of a letter from Lewis; which is almost in itself a contradiction of the story.

The importunity of his friends, and the deep distress of a wife, whom he so tenderly loved, prevailed upon Lord Russell to take another step to save his life. This was, to write petitions to the King, and to the Duke of York, offering to live abroad, and never more to meddle in the affairs of England. He left it to his friends how the petitions were to be worded. If there was some weakness in thus asking for mercy, there was nothing degrading to his honourable character. Indeed, he does not seem to have entertained any expectation of saving his life; but he did not choose to afflict his wife by the appearance of a haughty silence towards his sovereign.

The following are the petitions of the Earl of Bedford, and Lord Russell, to the King, and Lord Russell's letter to the Duke of York: —

* Burnet.

† In Dalrymple's first edition, Charles is made to reply — " Je ne veux pas empecher que M. de Rouvigny ne vienne pas ici." This answer, however, is omitted in the octavo edition, and there is merely a reference to Barillon's letter of the 19th July, 1683. See State Trials, vol. ix. p. 685.

"To the King's Most Excellent Majesty.

"The humble Petition of William Earl of Bedford:

"Humbly sheweth;

"That could your Petitioner have been admitted into your presence, he would have laid himself at your royal feet, in behalf of his unfortunate son, himself and his distressed and disconsolate family, to implore your royal mercy; which he never had the presumption to think could be obtained by any indirect means. But shall think himself, wife, and children, much happier to be left but with bread and water, than to lose his dear son for so foul a crime as treason against the best of Princes, for whose life he ever did, and ever shall pray more than for his own.

"May God incline Your Majesty's heart to the prayers of an afflicted old father, and not bring grey hairs with sorrow to my grave.

"BEDFORD."

"To the King's Most Excellent Majesty.

"The humble Petition of William Russell:

"Most humbly sheweth;

"That your Petitioner does once more cast himself at Your Majesty's feet, and implores, with all humility, your mercy and pardon, still avowing that he never had the least thought against Your Majesty's life, nor any design to change the government: but humbly and sorrowfully confesses his having been present at those meetings, which he is convinced were unlawful and justly provoking to Your Majesty; but being betrayed by ignorance and inadvertence, he did not decline them as he ought to have done, for which he is truly and heartily sorry; and therefore humbly offers himself to Your Majesty to be determined to live in any part of the world which you shall appoint, and never to meddle any more in the affairs of England, but as Your Majesty shall be pleased to command him.

"May it therefore please Your Majesty, to extend your royal favour and mercy to your Petitioner, by which he will be for ever engaged to pray for Your Majesty, and to devote his life to your service.

"WILLIAM RUSSELL." *

The following letter of Lord Russell to the Duke, was delivered by Lady Russell to the Duchess of York:

"May it please Your Highness;

"The opposition I have appeared in to Your Highness's interest, has been such, as I have scarce the confidence to be a petitioner to you, though in order to the saving of my life. Sir, God knows what I did, did not proceed from any personal ill-will, or animosity to Your Royal Highness; but merely because I was of opinion, that it was the best way for preserving the religion established by law: in which, if I was mistaken, yet I acted sincerely, without any ill end in it. And as for any base design against your person, I hope Your Royal Highness will be so just to me, as not to think me capable of so vile a thought. But I am now resolved, and do faithfully engage myself, that if it shall please the King to pardon me, and if Your Royal Highness will interpose in it, I will in no sort meddle any more, in the least opposition to Your Royal Highness; but will be readily determined to live in any part of the world, which His Majesty shall prescribe, and will never fail in my daily prayers, both for His Majesty's preservation and honour, and Your Royal Highness's happiness; and will wholly withdraw myself from the affairs of England, unless called by His Majesty's orders to serve him, which I shall never be wanting to do to the uttermost of my power. And if Your Royal Highness will be so gracious to me, as to move on my account, as it will be an engagement upon me, beyond what I can in reason expect, so it will make the deepest impressions on me possible; for no fear of death can work so much with me, as so great an obligation

* In the State Paper Office there is another petition from Lord Russell to the King, but it is merely the common petition of a condemned person, and of no interest whatever.

will for ever do upon, May it please Your Royal Highness, Your Royal Highness's most humble, and most obedient servant,

Newgate, July 16. 1683. "WILLIAM RUSSELL."

As he folded up this letter, which was written at the earnest solicitation of his wife, he said to Dr. Burnet, "This will be printed, and will be selling about the streets, as my submission, when I am hanged."

He was, however, by no means disposed to yield in a single article of his opinions, with the wish of saving his life. Dr. Tillotson and Dr. Burnet were in hopes, that if he could be brought to allow that resistance was unlawful, the King would grant him a pardon. With this view, they both used all their influence to persuade him to retract his well-known sentiments on the right and duty of a subject.

On the Monday, which was the first day on which Burnet saw Lord Russell after his trial, he spoke to him on this subject, and though he found him perfectly prepared and steady in his opinion, yet that opinion was so moderate, as to give Dr. Burnet hopes of prevailing with him to allow the absolute illegality of resistance. As he came away, he met Dr. Tillotson, and told him that he believed he had brought Lord Russell to a willingness to declare himself convinced on that point. He desired Dr. Tillotson to go to Lord Halifax, and acquaint him with it, in order that his lordship might relate it to the King in such a manner, as to be the means of saving Lord Russell's life. Lord Halifax did so, and told the Dean that the King seemed to be more moved with it, than by any thing that he had said before. On the Thursday, Dr. Tillotson communicated his satisfaction and his hopes to Lord Russell; but he replied that he was not so clearly convinced as Dr. Tillotson supposed. Dr. Tillotson said he was very sorry for it, because the message had been carried to the King, that he was convinced, and would declare it at his death. Lord Russell answered he was willing to be convinced, but yet could not say he absolutely was. The next morning he showed Dr. Tillotson a passage that he intended to form part of his speech, to be delivered to the sheriffs on the scaffold, in these terms:—

"For my part, I cannot deny, but I have been of opinion, that a free nation like this might defend their religion and liberties, when invaded, and taken from them, though under pretence, and colour of law. But some eminent and worthy divines, who have had the charity to be often with me, and whom I value and esteem to a very great degree, have offered me weighty reasons to persuade me, that faith and patience are the proper ways for the preservation of religion; and the method of the Gospel is to suffer persecution, rather than to use resistance. But if I have sinned in this, I hope God will not lay it to my charge, since he knows it was only a sin of ignorance."

Dr. Tillotson was much dissatisfied with this passage, and particularly with the coldness of the concluding paragraph. He felt that he had been the instrument of conveying a wrong impression to the King; so, not having opportunity at that time to urge the matter, he went home, and wrote a paper concerning it, which he brought to Lord Russell. This was on the Friday afternoon, the day before the execution. The paper was in the form of a letter, in the following words:—

"My Lord,

"I was heartily glad to see your lordship this morning in that calm and devout temper at receiving the Sacrament. But peace of mind, unless it be well grounded, will avail little. And because transient discourse many times have little effect for want of time to weigh and consider it, therefore, in tender compassion of your lordship's case, and from all the good-will that one man can bear to another, I do humbly offer to your lordship's deliberate thoughts, these following considerations concerning the point of resistance; if our religion and rights should be invaded, as your lordship puts the case, concerning which I understood, by Dr. Burnet, that your lordship had once received satisfaction, and am sorry to find a change.

"First, that the Christian religion doth plainly forbid the resistance of authority.

"Secondly, that though our religion be established by law, (which your lordship argues as a difference between our case, and that of the

primitive Christians,) yet in the same law, which establishes our religion, it is declared, *that it is not lawful, upon any pretence whatsoever, to take up arms, &c.* Besides that, there is a particular law declaring the power of the militia to be solely in the King. And this ties the hands of subjects, though the law of nature, and the general rules of Scripture, have left us at liberty, which I believe they do not, because the government, and peace of human society, could not well subsist upon these terms.

" Thirdly, your lordship's opinion is contrary to the declared doctrine of all Protestant churches. And though some particular persons have thought otherwise, yet they have been contradicted herein, and condemned for it, by the generality of the Protestants. And I beg of your lordship to consider, how it will agree with an avowed asserting of the Protestant religion, to go contrary to the general doctrine of the Protestants.

" My end in this is to convince your lordship, that you are in a very great and dangerous mistake; and being so convinced, that, which before was a sin of ignorance, will appear of a much more heinous nature, as in truth it is, and call for a very particular and deep repentance; which, if your lordship sincerely exercise upon the sight of your error, by a penitent acknowledgment of it to God and men, you will not only obtain forgiveness of God, but prevent a mighty scandal to the reformed religion.

" I am very loth to give your lordship any disquiet in the distress you are in, which I commiserate from my heart; but am much more concerned, that you do not leave the world in a delusion and false peace, to the hindrance of your eternal happiness.

" I heartily pray for you, and beseech your lordship to believe, that I am, with the greatest sincerity and compassion in the world,

" My Lord,

" Your Lordship's most faithful,

" And afflicted Servant,

July 20, 1683. " JOHN TILLOTSON."

Lord Russell, on receiving the paper, went into an inner room, and, after staying some time, upon his return, told the Dean he had read the letter, and was willing to be convinced, but could not say he was so; and hoped God would forgive him, if he were in error. Dr. Tillotson said, he hoped so too, and soon went away. Meeting Dr. Burnet as he came out, he desired him either to prevail upon Lord Russell to go farther, or to strike out the whole paragraph, above cited, from his speech. He went himself to Lord Halifax, to whom he gave his letter, and expressed his regret for having engaged him to make a wrong statement to the King. Upon Dr. Burnet's entering upon the subject, Lord Russell answered, that he could not tell a lie; and if he went farther, he must needs lie. He said, he had not leisure then to study politics. The notion he had of laws, and of the English government, was different from theirs; yet, he said, so far did he submit to them, and to the reasons they had offered him, that he was willing to go so far as he had done, but could not go further without being disingenuous. When Dr. Burnet proposed striking out the whole paragraph, he was very well satisfied to do so, and said his chief reason for putting it in, was to prevent any inconvenience that might come to Tillotson and him. But he often said, that, whatever his opinion might be, in cases of extremity, he was against these ways, and ever thought a parliamentary cure was the proper remedy for all the distempers of the nation; and protested that he, and a few more, had taken much pains to moderate people's heats for three years together, and had ever persuaded their friends to be quiet, and wait for a parliament.*

It will not now be denied, that the opinion which Lord Russell entertained of the duty of a subject, was more correct than that of the two worthy and respectable clergymen who attended him, and his asserting that opinion at a moment so solemn, when a different conduct might perhaps have saved his life, ought to make his memory dear to every friend of freedom.

* Birch's Life of Tillotson. — Burnet's Journal.

CHAP. XVII.

THE LAST WEEK OF LORD RUSSELL'S LIFE. — HIS EXECUTION.

We have now to detail the last, but not the least glorious circumstances of Lord Russell's life. During the week which elapsed between his condemnation and his execution, he had full opportunity to exercise the most remarkable virtues of his character, — patience, fortitude, affection to his family, love of his country, piety to his God. Perhaps there never was a period in the life of any man, in which so much resignation at the prospect of approaching death was combined with such a zealous consideration of every circumstance which might affect the happiness of mankind. From his first coming to the Tower, he had considered that the sheriff would take care to return such a jury as would condemn him, if the King's counsel should bid them. He had also reflected, that it was probable there might be such a noise at his execution, that he would not be able to say much. So he employed his leisure in framing a paper, to leave behind him, which should contain a large avowal of his sentiments, principles, and conduct. This occupation took up all the hours he was alone, and even induced him to forego, several times, the society of his wife. He discussed the heads of this paper with Dr. Burnet, and afterwards wrote them out fully, with a critical exactness in the choice of every word. Dr. Burnet, who was much with him, has also drawn up a very copious journal of his conversation.

Of his own death, he spoke with calmness and deliberate resignation. He often said that he had passed over the best part of his life, for he had lived two parts in three; and he could not think that the remaining third would have been as comfortable as the two former had been. He told his wife, that he was so willing to leave

the world, he was even willing to leave her. Yet, upon receiving a letter from her, when he first went to the Tower, concealed in a cold chicken, he had said that he was at that moment above all earthly things; above Lieutenant, Constable, King, or Duke. *

When alone with Dr. Burnet, he spoke with the greatest seriousness. He said, that, as for death, he thanked God that, as a man, he never was afraid of it; and did not consider it with so much apprehension as the drawing of a tooth. But he said he found the courage of a man that could venture, in the heat of blood, was very different from the courage of a dying Christian, and dying in cold blood. That must come from an inward peace of conscience, and assurance of the mercy of God; and he had that to such a degree, that though, from the first day of his imprisonment, he reckoned he was a dead man, it had never given him any sort of trouble. He added, that God knew the trouble he had been in some weeks before, when his son was ill, had gone nearer his heart, and taken more of his rest from him, than his present condition had done; and that he had had a cholic a little while before, which had so oppressed his spirits, that he saw how little a man could do, if he came to die in such a manner: whereas he had now all his thoughts perfectly about him, and had no other apprehensions of death than being a little gazed at by his friends and enemies, and a moment's pain. Though he had been guilty of many defects and failings (amongst which he reckoned the seldom receiving the sacrament), yet, he thanked God he had a clear conscience, not only in relation to the public (in which he had gone so sincerely that he was sure he had nothing to answer for but sins of ignorance, and some indecent discourses, in which he had been generally more guilty by hearing them, and being pleased with them, than by much speaking), but in relation to all his other concerns. He had spent much, but it was in no ill way. He could never limit his bounty to his condition; and all the thoughts he had of the great estate that was to descend upon him, was to do more

* Woburn MSS.

good with it; for he had resolved not to live much above the pitch he was then at. He thanked God, that now, for these many years, he had made great conscience of all he did; so that the sins of omission were the chief things he had to answer for. God knew the sincerity of his heart, that he could not go into a thing he thought ill, nor could he tell a lie.

He asked Dr. Burnet if the scorn he had of some ill men, particularly the Lord Howard, was inconsistent with a perfect forgiveness. He said, he heartily prayed God to touch his heart; and was sure, that, if it was in his power, he would do him no hurt, but good; but he could not forbear thinking very ill of him, and despising him. Dr. Burnet satisfied him on this head, by showing him, from the fifteenth Psalm, that a part of the character of one that shall dwell in God's holy hill, is he in whose eyes a vile person is despised.

Rumsey and Lord Howard were two men of whom he always had a secret horror. Sheppard he thought better of, till he was told he had betrayed Walcot. Then, he said, he wondered not he had sworn falsely of him; but till then he thought he had forgot himself. He spoke of all who had appeared against him with great pity, but with no resentment. He spoke particularly of Lord Howard, and said, he had been well enough known before, but was now so much better, that he could betray nobody any more. Lord Essex had forced him to admit Lord Howard to a meeting at his house: for when he saw Lord Howard, Sydney, and Hampden coming in, he said to Lord Essex, "What have we to do with this rogue?" but Lord Essex forced him to stay: having that mistrust, however, he said very little. At another time, Lord Essex himself said to Lord Russell, upon his mentioning his suspicions of Lord Howard, "If you should betray me, every body would blame you, and not me; but if Lord Howard should betray us, every body would blame us as much as him." Lord Russell told Dr. Burnet many particulars, in which Lord Howard had sworn falsely against him, but which Burnet, unfortunately, omits to mention. He said he could not complain of Pemberton for any thing but this,—that, in summing up the evidence, he had taken

no notice of the witnesses he had brought, to show that no credit was due to Lord Howard.

He felt no difficulty in writing a letter to the King; for, he said, though he never did any thing he thought contrary to his interest, yet many railleries, and other indecent things, had passed, for which he prayed God to forgive him, and resolved to ask the King's pardon: and he said, he thought he must likewise let the King know that he forgave him; and for this purpose he hit on the expression, "I forgive all concerned in my death, from the highest to the lowest." He was very careful to say nothing which might appear offensive. He would not say to the King, he had been devoted to his true interest and service; for, he said, the King will say I declined to serve him when I left the council. Nor would he subscribe himself a loyal subject; for, he said, that would not look well in a man attainted of treason, and would seem an impeachment of the sentence. The letter, when finished, was as follows:—

"May it please Your Majesty;

"Since this is not to be delivered till after my death, I hope Your Majesty will forgive the presumption of an attainted man's writing to you. My chief business is, humbly to ask your pardon, for any thing that I have either said, or done, that might look like want of respect to Your Majesty, or duty to your government. In which, though I do to the last moment acquit myself of all designs against your person, or of altering of the government, and protest I know of no design, now on foot, against either; yet I do not deny but I have heard many things, and said some things contrary to my duty; for which, as I have asked God's pardon, so I humbly beg Your Majesty's. And I take the liberty to add, that though I have met with hard measure, yet I forgive all concerned in it, from the highest to the lowest; and I pray God to bless both your person and government, and that the public peace, and the true Protestant religion, may be preserved under you. And I crave leave to end my days with this sincere protestation, that my heart was ever devoted to that which I thought was your

true interest; in which, if I was mistaken, I hope your displeasure against me will end with my life, and that no part of it shall fall on my wife and children; which is the last petition will ever be offered you from, May it please Your Majesty, Your Majesty's most faithful, most dutiful, and most obedient subject,

"*Newgate, July* 19. 1683. "W. RUSSELL."

A copy of this letter, in the Woburn papers, is thus endorsed:—"A copy of my Lord's letter to the King, to be delivered after his death,—and was so, by his uncle, Colonel Russell." It appears, by the following note of Dr. Burnet, that a copy was sent to the King before Lord Russell's death, with the hope of inclining him to mercy. Yet so strangely are things misrepresented, that one writer* blames Burnet for having a copy of Lord Russell's letter sent to the King after his death, instead of the original; and another † is still more severe on Lord Russell, for going out of the world with an insult to his sovereign.

Dr. Burnet to Lady Russell.

Endorsed by Lady Russell:—"Dr. Burnet to me, upon a note I sent to him, for my Lord's leave to show his letter to the King."

"Madam,

"My lord is in so wonderful a temper, that I dare not attempt diverting him from those thoughts with which he is so full. But I will presume to offer my advice, that you shall send your copy of his letter to the King. You may say you dare not send the original, because it were the transgressing his orders; but by the copy, that is more in your power, the King will see what it is; and if it has no effect, upon sending back your copy, you will send the original. I think you may do this; and it is the last thing.

"I am,

"Your faithfullest servant,

"G. BURNET."

* Dalrymple. † See article RUSSELL, in the Biographia Britannica.

Lord Cavendish having sent him a proposition, by Sir James Forbes, to change clothes with him, and remain in prison, whilst he made his escape, he, in a smiling way, sent his thanks to him, but said he would make no escape. He probably thought that flight would look like a confession of guilt, and might prejudice his associates, and injure the great cause to which his whole life had been devoted. He said he was very glad he had not fled, for he could not have lived from his children, and wife, and friends: that was all the happiness he saw in life. He was glad that some (probably alluding to Lord Grey) who had not lived so as to be fit to die, had escaped. Of Lord Essex, he said, he was the worthiest, the justest, the sincerest, and the most concerned for the public of any man he ever knew. He ascribed his last fatal act, in great part, to Lord Essex's regret for having introduced Lord Howard to him.

When he spoke of his wife, the tears would sometimes come into his eyes, and he would suddenly change the discourse. Once, he said he wished she would give over beating every bush for his preservation: but when he considered that it would be some mitigation of her sorrow afterwards, to reflect she had left nothing undone, he acquiesced. He expressed great joy in the magnanimity of spirit he saw in her, and said, the parting with her was the greatest thing he had to do; for he was afraid she would hardly be able to bear it. The concern about preserving him filled her mind at the time; but when that should be over, he feared the quickness of her spirit would act too powerfully within her. In general, he kept up his cheerfulness undiminished. One of the sheriffs was Rich, who, though he had now changed sides, had formerly voted for the Exclusion Bill in the House of Commons. When he came, with the other sheriff, with the warrant for the execution, Lord Russell told Burnet, that it was not decent to be merry with such a matter, otherwise he had been near telling Rich that they should never sit together again, to vote for the Exclusion Bill.* And a Mrs. Tressam having come to see him,

* Dalrymple says, "recollecting that Rich might feel pain from the innocent pleasantry, he checked himself."

after the trial, he said to her, "Mrs. Tressam, you always find me out in a new place."

In such discourse Lord Russell spent his time, till the day previous to his execution. At the hours of meals he talked of the news of the day, and the politics of Europe, in the style he had usually done. But Friday being the day he had fixed for receiving the sacrament, he determined to pass the day as he would have done the Sunday, had he lived so long. The sacrament was given him early in the morning (his servant receiving it with him) by the Dean of Canterbury (Tillotson.) After he had received it, the Dean asked him if he believed all the articles of the Christian religion, as taught by the church of England. He answered, "Yes, truly." Then he asked him if he forgave all persons. That, he said, he did from his heart. Then the Dean told him, he hoped he would discharge his conscience in full and free confession. He said that he had done it. Upon which the Dean left him; and Dr. Burnet, in the course of the morning, preached two sermons to him. In the interval he told him, he could not pretend to such high joys and longings as Dr. B. had spoken of, but on an entire resignation of himself to the will of God, and a perfect serenity of mind. He said he was sometimes troubled because he had not those longings which were felt by Mr. Hampden, a friend for whom he had great kindness and esteem. Mr. Hampden had, a few days before, given him, from Mr. Baxter, his book of Dying Thoughts, then lately published, from which he derived great comfort. He said he was much concerned at the cloud which seemed to be over his country; but he hoped his death would do more service than his life could have done. After dinner, he signed the copies of his paper, and desired it might be sent to the press. He then received a few of his friends, and took his last leave of his children. On this occasion, the fondness of a father did not prevent him from maintaining the constancy of his temper. A little before he went to eat his supper, he said to Lady Russell, "Stay and sup with me; let us eat our last earthly food together." He talked very cheerfully during supper on various subjects, and particularly of his two daughters. He men-

tioned several passages of dying men with great freedom of spirit; and when a note was sent to his wife, containing a new project for his preservation, he turned it into ridicule, in such a manner, that those who were with him, and were not themselves able to contain their griefs, were amazed. They could not conceive how his heart, naturally so tender, could resist the impression of their sorrow. In the day time he had bled at the nose, on which he said, " I shall not now let blood to divert this: that will be done to-morrow." And when it rained hard that night, he said, " Such a rain to-morrow will spoil a great show, which is a dull thing on a rainy day."

Before his wife left him, he took her by the hand, and said, " This flesh you now feel, in a few hours, must be cold." At ten o'clock she left him. He kissed her four or five times; and she so governed her sorrow, as not to add, by the sight of her distress, to the pain of separation. Thus they parted; not with sobs and tears, but with a composed silence; the wife wishing to spare the feelings of the husband, and the husband of the wife, they both restrained the expression of a grief too great to be relieved by utterance.

When she was gone, he said, " Now the bitterness of death is past." And he then ran out into a long discourse concerning her, saying, how great a blessing she had been to him, and what a misery it would have been to him, if she had not had that magnanimity of spirit, joined to her tenderness, as never to have desired him to do a base thing to save his life. Whereas, what a week he should have passed, if she had been crying on him to turn informer, and to be a Lord Howard! He then repeated to Dr. Burnet, what he had often before said, that he knew of nothing whereby the peace of the nation was in danger; and that all that ever was, was either loose discourse, or, at most, embryos that never came to any thing; so there was nothing on foot, to his knowledge. He then returned to speak of his wife. He said there was a signal providence of God in giving him such a wife, where there was birth, fortune, great understanding, great religion, and great kindness to him; but her carriage, in his extremity, was beyond all. He said that he was glad that she

and his children were to lose nothing by his death; and it was great comfort to him that he left his children in such a mother's hands, and that she had promised him to take care of herself for their sakes. Then he spoke of his own situation, and said, how great a change death made, and how wonderfully those new scenes would strike on a soul. He had heard how some that had been born blind, were struck, when, by the couching of their cataracts, they saw; but what, he said, if the first thing they saw were the sun rising?

His servant requested he might sit up in his chamber while he slept. This he refused, and was locked up between eleven and twelve, leaving orders to be called at four. When his servant came at that hour, he found him as sound asleep as at any time in his life. As he awoke, he asked what o'clock it was; but whilst his servant was preparing his things for him to dress, he fell asleep again. Dr. Burnet coming in woke him, saying, "What, my lord! asleep?" "Yes, Doctor," he said; "I have slept heartily since one o'clock." He then desired him to go to his wife, to say that he was well, and had slept well, and hoped she had done so. He remembered himself kindly to her, and prayed for her. He dressed himself with the same care as usual; and said, he thanked God he felt no sort of fear or hurry in his thoughts. He prayed several times with Dr. Burnet, and afterwards with Dean Tillotson; and, at intervals, went into his chamber, and prayed by himself. Once he came out, and said he had been much inspired in his last prayer, and wished he could have written it down and sent it to his wife. He gave Dr. Burnet several commissions to his relations; but none more earnest than to one of them, against all revenge for what had been done to himself: he told Burnet he was to give him his watch; and, as he wound it up, he said, "I have done with time: now eternity comes."

About half an hour before he was called on by the sheriffs, he took Dr. Burnet aside, and said that he meant to say something of the dangers of Slavery as well as Popery; but on Dr. Burnet's telling him it would look like resentment, and begging him to let it alone, he smiled, and said he would do so.

As he came down, he met Lord Cavendish, and took leave of him; but remembering something of importance, he went back to him, and spoke to him with great earnestness. He pressed him anxiously to apply himself more to religion; and told him what great comfort and support he felt from it now in his extremity. Such was his last advice and farewell to his dearest friend. He went into his coach with great cheerfulness. Dr. Tillotson and Dr. Burnet accompanied him. As they were going, he looked about him, and knew several persons. Some he saw staring on him, who knew him, and did not put off their hats. He said, there was great joy in some, but that did not touch him so much as the tears he observed in the eyes of others; for that, he said, made him tender. He sung within himself, as he went along; and Dr. Burnet asking him what he was singing, he said it was the 119th psalm; but he should sing better very soon. As the carriage turned into Little Queen-street, he said, "I have often turned to the other hand with great comfort, but now I turn to this with greater." As he said this, he looked towards his own house, and Dr. Tillotson saw a tear drop from his eye.

Just as they were entering Lincoln's-Inn-Fields, he said, "This has been to me a place of sinning, and God now makes it the place of my punishment." He wondered to see so great a crowd assembled. He had before observed, that it rained, and said to his companions, "This rain may do you hurt that are bare-headed."

After all was quiet, he spoke to the sheriff as follows:

"Gentlemen*,

"I expected the noise would be such, that I should not be very well heard. I was never fond of much speaking, much less now; therefore I have set down in this paper all that I think fit to leave behind me. God knows how far I was always from designs against

* The night before he died, he thought of the short speech he was to make on the scaffold. Instead of beginning, "Mr. Sheriff," he resolved to begin, "Gentlemen;" because, he said, he was not truly sheriff. He accordingly did so; but he did not think it worth while to make the same alteration in the paper that was to be printed.—*Burnet, MSS.*

the King's person, or of altering the government. And I still pray for the preservation of both, and of the Protestant religion. Mr. Sheriff, I am told, that Captain Walcot yesterday said some things concerning my knowledge of the plot: I know not whether the report is true or not."

Mr. Sheriff. "I did not hear him name your lordship."

Writer. "No, my lord, your lordship was not named by any of them."

Lord Russell. "I hope it is not true; for, to my knowledge, I never saw him, nor spake with him, in my whole life: and, in the words of a dying man, I profess I know of no plot, either against the King's life or the government. But I have now done with this world, and am going to a better: I forgive all the world heartily, and I thank God I die in charity with all men; and I wish all sincere Protestants may love one another, and not make way for Popery by their animosities. I pray God forgive them, and continue the Protestant religion amongst them, that it may flourish so long as the sun and moon endure. I am now more satisfied to die than ever I have been."

Then he desired the Dean to pray. After that he spoke a word to the Dean, and gave him his ring, and gave Dr. Burnet his watch, and bid him go to Southampton-House, and to Bedford-House, and deliver the commissions he had given him in charge. In these his last moments, one of his commissions was a message of kind remembrance to one who held the principles in opposition to which he was about to sacrifice his life. This was Mr. Kettlewell, a clergyman, who, for his religious zeal, had been introduced as chaplain into the Earl of Bedford's family, but who held, to their farthest extent, the doctrines of unlimited obedience, and the illegality of resistance under any pretence whatsoever. And he lost no opportunity for explaining and defending these opinions to Lord Russell. "But," says his biographer, "although this unfortunate Lord had no very favourable opinion of the English clergy in general, as thinking them, for the most part, a set of men too much bigotted to slavish principles, and

not zealous enough for the Protestant religion, or the common interest of a free nation; yet it is worthy of observation, that the meek and Christian behaviour of Mr. Kettlewell would not suffer him not to have an esteem for him, which he failed not to express, even in his last moments, by sending a message to him from the scaffold, of his kind remembrance of him." *

He then knelt down and prayed three or four minutes by himself. When that was done, he took off his coat and waistcoat. He had brought a night-cap in his pocket, fearing his servant might not get up to him. He undressed himself, and took off his cravat, without the least change of countenance. Just as he was going down to the block, some one called out to make a lane, that the Duke of Albemarle might see; upon which he looked full that way. Dr. Burnet had advised him not to turn about his head when it was once on the block, and not to give a signal to the executioner. These directions he punctually attended to.

" When he had lain down," says Dr. Burnet, " I once looked at him, and saw no change in his looks; and though he was still lifting up his hands, there was no trembling, though in the moment in which I looked the executioner happened to be laying his axe to his neck, to direct him to take aim: I thought it touched him, but am sure he seemed not to mind it."

The executioner, at two strokes, cut off his head. †

* Memoirs of Mr. John Kettlewell, p. 59.

† The greater part of this account is taken from Dr. Burnet's Journal, published in the General Dictionary, art. Russell, and in MSS. at Woburn. Other particulars are taken from notes in Lady Russell's and Dr. Burnet's hand-writing, also at Woburn. I have always preserved, as near as possible, the form of expression used in the original. For Dr. Burnet's Journal, see Appendix, where it is given at length.

CHAP. XVIII.

CHARACTER OF LORD RUSSELL. — SPEECH DELIVERED TO THE SHERIFFS. — LADY RUSSELL. — VISIT OF DYCKVELT. — PATENT OF THE DUKE OF BEDFORD. — LADY RUSSELL'S CHARACTER.

THUS died William Lord Russell, on the 21st of July, 1683, in the 44th year of his age. Few men have deserved better of their country. Though not remarkable for very brilliant talents, he was a man of solid judgment; and was never led astray, by any curious sophistry, to confound the perceptions of right and wrong; to mistake slavery for duty; or to yield to power the homage which is due to virtue. He was a warm friend, not to liberty merely, but to English liberty; a decided enemy, not only to regal incroachment, but to turbulent innovation. He was a good son, a good husband, a good father, and, like some others whom our own days have seen, united mildness of domestic affection with severity of public principle. His integrity was so conspicuous, as to gain him that ascendant over the minds of men, which is generally reserved for genius. And, although Englishmen have not much reason to be proud of the reign of Charles the Second, they cannot fail to recognize the sound morality of their countrymen, in the respect and confidence which accompanied an honest man contending against the general corruption, and even when opposed by statesmen of conspicuous ability. It is a gratifying thing to find that, even in the scale of popularity, eloquence and wit are outweighed by sense and integrity.

It must be owned, that few politicians have been so little swayed by interest as Lord Russell. Even Sprat, who wrote under the eye of James, for the purpose of defaming those who died for the Rye-House Plot, only attributes to him a too great love of popularity, and an idle fear of losing his abbey lands. And, after the Revolution, he eagerly retracted what he had said of the last speech of Lord Russell; declaring himself convinced of "that noble gentle-

man's great probity and constant abhorrence of falsehood." Evelyn, who was as likely as any man to speak the opinion of his time, says, "Every one deplored Essex and Russell, especially the last, as being thought to have been drawn in on pretence only of endeavouring to rescue the King from his present counsellors, and secure religion from Popery, and the nation from arbitrary government, now so much apprehended."

The political opinions of Lord Russell were those of a Whig. His religious creed was that of a mild and tolerant Christian. If, as it must be admitted, he showed a violent animosity to the Roman Catholics, to an extent which cannot be justified, it must be recollected, that his hostility was almost entirely political. The attack which was made upon our constitution appeared in the colours and with the ensigns of Popery; and it was only by resisting the Romish Church, that civil liberty could be secured. He wished our own institutions to be more favourable to dissenters; or, in other words, for a larger comprehension of sects. Had this wish been gratified, the Protestant Church of England would have been strengthened, both against the See of Rome, and against future schism, with the loss only of some slavish doctrines, and a few unimportant ceremonies, which our early reformers never adopted.

It must be owned that the violence of Lord Russell against the Roman Catholics betrayed him into credulity. It was the fault of honest men in that age; and it is singular that, absurd as the story of the Popish plot avowedly is, we have more respect for those who fell into the delusion, than for those who escaped it. And whatever blame may attach to Lord Russell for an excess of political and religious zeal, it cannot be denied that his firmness and perseverance were eminently useful to his country, in a most critical period of her fortunes, and that his example contributed to the establishment of those liberties which he died to vindicate.

The following paper was delivered by Lord Russell to the sheriffs:

"I thank God I find myself so composed and prepared for death, and my thoughts so fixed on another world, that I hope in God I am

quiet from setting my heart on this; yet I cannot forbear now the setting down in writing a further account of my condition, to be left behind me, than I will venture to say at the place of execution, in the noise and clutter that is like to be there. I bless God heartily for those many blessings which He in his infinite mercy hath bestowed upon me through the whole course of my life; that I was born of worthy and good parents, and had the advantage of a religious education, which are invaluable blessings; for even when I minded it least, it still hung about me and gave me checks; and has now for many years so influenced and possessed me, that I feel the happy effects of it in this my extremity, in which I have been so wonderfully (I thank God) supported, that neither my imprisonment, nor fear of death, have been able to discompose me in any degree; but, on the contrary, I have found the assurances of the love and mercy of God, in and through my blessed Redeemer, in whom only I trust; and I do not question but I am going to partake of that fulness of joy which is in his presence. These hopes, therefore, do so wonderfully delight me, that I think this is the happiest time of my life, though others may look upon it as the saddest.

"I have lived, and now am of the reformed religion, a true and sincere *Protestant*, and in the communion of the Church of *England*; though I could never yet comply with, or rise up to all the heights of many people. I wish with all my soul all our differences were removed; and that all sincere Protestants would so far consider the danger of Popery, as to lay aside their heats, and agree against the common enemy; and that the Churchmen would be less severe, and the Dissenters less scrupulous; for I think bitterness and persecution are at all times bad, but much more now.

"For *Popery*, I look on it as an idolatrous and bloody religion; and therefore thought myself bound, in my station, to do all I could against it; and, by that, I foresaw I should procure such great enemies to myself, and so powerful ones, that I have been now for some time expecting the worst; and, blessed be God! I fall by the axe, and not by the fiery trial! yet, whatever apprehensions I had of Popery, and of my own severe and heavy share I was like to have under

it, when it should prevail, I never had a thought of doing any thing against it basely or inhumanely, but what would consist with the Christian religion, and the laws and liberties of this kingdom. And, I thank God, I have examined all my actions in that matter with so great care, that I can appeal to God Almighty, who knows my heart, that I went on sincerely, without being moved either by passion, by-ends, or ill designs. I have always loved my country much more than my life, and never had any design of changing the government, which I value, and look upon as one of the best governments in the world, and would always have been ready to venture my life for the preserving it; and would suffer any extremity, rather than have consented to any design of taking away the King's life; neither had any man the impudence to propose so base and barbarous a thing to me; and I look upon it as a very unhappy and uneasy part of my present condition, that there should be so much as mention made of so vile a fact, though nothing in the least was said to prove any such matter, but the contrary, by my Lord Howard; neither does any body, I am confident, believe the least of it; so that I need not, I think, say more.

"For the King, I do sincerely pray for him, and wish well to him and the nation, that they may be happy in one another; that he may be indeed, the Defender of the Faith; that the Protestant religion, and the peace and safety of the kingdom may be preserved, and flourish under his government; and that himself, in his person, may be happy both here and hereafter.

"As for the share I had in the prosecution of the Popish plot, I take God to witness, that I proceeded in it in the sincerity of my heart, being then really convinced (as I am still) that there was a conspiracy against the King, the nation, and the Protestant religion; and I likewise profess, that I never knew any thing, directly or indirectly, of any practices with the witnesses, which I look upon as so horrid a thing, that I never could have endured it; for, thank God, falsehood and cruelty were never in my nature, but always the farthest from it imaginable. I did believe, and do still, that Popery is break-

ing in upon this nation, and that those that advance it will stop at nothing to carry on their design. I am heartily sorry that so many Protestants give their helping hand to it; but I hope God will preserve the Protestant religion, and this nation, though I am afraid it will fall under very great trials, and very sharp sufferings; and, indeed, the impiety and profaneness that abounds, and appears so scandalously bare-faced every-where, gives too just occasion to fear the worst thing that can befal a people. I pray God prevent it, and give those who have showed a concern for the public good, and have appeared hearty for the true interest of the nation, and the Protestant religion, grace to live so, that they may not cast a reproach on that which they endeavoured to advance, which (God knows) has often given me sad thoughts; and I hope such of my friends as may think they are touched by this, will not take what I say in ill part, but will endeavour to amend their ways, and live suitable to the rules of the true reformed religion, which is the only thing that can administer true comfort at the latter end, and relieve a man when he comes to die.

" As for my present condition, I bless God I have no repining in my heart at it. I know, for my sins, I have deserved much worse at the hands of God; so that I cheerfully submit to so small a punishment as the being taken off a few years sooner, and the being made a spectacle to the world. I do freely forgive all the world, particularly those concerned in taking away my life; and I desire and conjure all my friends to think of no revenge, but to submit to the holy will of God, into whose hands I resign myself entirely.

" But to look back a little: I cannot but give some touch about the *Bill of Exclusion*, and show the reason of my appearing in that business, which, in short, is this,—that I thought the nation in such danger of *Popery*, and that the expectations of a *Popish successor* (as I have said in parliament) put the King's life likewise in much danger, that I saw no way so effectual to secure both, as such a bill. As to the limitations that were proposed, if they were sincerely offered, and had passed into a law, the Duke then should have been excluded

from the power of a King, and the government quite altered, and little more than the name of a King left; so I could not see either sin or fault in the one, when all the people were willing to admit of the other; but thought it better to have a King with his prerogative, and the nation easy and safe under him, than a King without it, which would breed perpetual jealousies and a continual struggle. All this I say only to justify myself, not to inflame others, though I cannot but think my earnestness in that matter has had no small influence in my present sufferings. But I have now done with this world, and am going to a kingdom which cannot be moved.

"And as to the *conspiring to seize the guards*, which is the crime for which I am condemned, and which is made a constructive treason, for taking away the King's life, to bring it within the statute of Edw. III., I shall give this true and clear account: — I never was at Mr. Sheppard's with that company but once, and there was no undertaking then of securing or seizing the guards, nor any appointed to view or examine them. Some discourse there was of the feasibleness of it; and several times by accident, in general discourse elsewhere, I have heard it mentioned as a thing might easily be done, but never consented to as a thing fit to be done. And I remember particularly, at my Lord Shaftesbury's, there being some general discourse of this kind, I immediately flew out and exclaimed against it; and asked, if the thing succeeded, what must be done next, but mastering the guards, and killing them in cold blood? which I looked upon as a detestable thing, and so like a popish practice, that I could not but abhor it. And at the same time the Duke of Monmouth took me by the hand, and told me very kindly, "My lord, *I see you and I are of a temper; did you ever hear so horrid a thing?*" And I must needs do him justice to declare, that I ever observed in him an abhorrence of all base things.

"As to my going to Mr. Sheppard's, I went with an intention to taste sherry; for he had promised to reserve for me the next very good piece he met with when I went out of town; and if he recollects himself, he may remember I asked him about it, and he went and

fetched a bottle; but when I tasted it, I said it was hot in the mouth, and desired, that whenever he met with a choice piece, he would keep it for me, which he promised. I enlarge the more upon this, because Sir George Jeffreys insinuated to the jury, as if I had made a story about going thither; but I never said that was the only reason. I will now truly and plainly add the rest.

" I was, the day before this meeting, come to town for two or three days, as I had done once or twice before, having a very near and dear relation lying in a languishing and desperate condition; and the Duke of Monmouth came to me, and told me, *he was extremely glad I was come to town, for my Lord Shaftesbury, and some hot men, would undo us all. How so, my lord?* (I said) — *Why* (answered he) *they will certainly do some disorderly thing or other, if great care be not taken; and therefore, for God's sake, use your endeavour with your friends to prevent any thing of this kind.* He told me that there would be company at Mr. Sheppard's that night, and desired me to be at home in the evening, and he would call on me; which he did. And when I came into the room, I saw Mr. Rumsey by the chimney, though he swears he came in afterwards; and there were things said by some, with much more heat than judgment, which I did sufficiently disapprove: and yet for these things I stand condemned; but, I thank God, my part was sincere and well meant. It is, I know, inferred from hence, and pressed to me, that I was acquainted with these heats and ill designs, and did not discover them. But this could be but *misprision* of treason, at most; so I die innocent of the crime I stand condemned for. I hope no body will imagine that so mean a thought should enter into me, as to go about to save myself by accusing others: the part that some have acted lately of that kind, has not been such as to invite me to love life at such a rate.

" As for the sentence of death passed upon me, I cannot but think it a very hard one; for nothing was sworn against me (whether true or false, I will not now examine), but some discourses about making some stirs; and this is not levying war against the King, which is treason by the statute of Edward III., not the consulting and dis-

coursing about it, which was all that is witnessed against me; but, by a strange fetch, the design of seizing the guards was construed a design of killing the King; and so I was in that cast.

"And now I have truly and sincerely told what my part was in that which cannot be more than a bare *misprision;* and yet I am condemned as guilty of a design of killing the King. I pray God lay not this to the charge neither of the King, council, nor judges, nor sheriffs, nor jury; and for the witnesses, I pity them, and wish them well. I shall not reckon up the particulars wherein they did me wrong; I had rather their own consciences would do that; to which, and the mercies of God, I leave them; only I shall aver, that what I said of my not hearing Colonel Rumsey deliver any message from my Lord Shaftesbury was true; for I always detested lying, though never so much to my advantage. I hope none will be so unjust and uncharitable, as to think I would venture on it in these my last words, for which I am soon to give an account to the great God, the searcher of hearts and judge of all things.

"From the time of chusing sheriffs, I concluded the heat in that matter would produce something of this kind; and I am not much surprised to find it fall upon me; and I wish what is done to me may put a stop, and satiate some people's revenge, and that no more innocent blood be shed; for I must, and do still look upon mine to be such, since I know I was guilty of no treason; and therefore would not betray my innocency by flight, (though much pressed to it,) of which I do not, I thank God, yet repent, how fatal soever it may have seemed to have proved to me; for I looked upon my death in this manner (I thank God) with other eyes than the world does. I know I said but little at the trial, and I suppose it looks more like innocence than guilt. I was also advised not to confess matter of fact plainly, since that certainly must have brought me within the guilt of misprision: and being thus restrained from dealing frankly and openly, I chose rather to say little, than to depart from that ingenuity that, by the grace of God, I had carried along with me in the former part of my life; and so could easier be silent, and leave the

whole matter to the consciences of the jury, than to make the last and solemnest part of my life so different from the course of it, as the using little tricks and evasions must have been: nor did I ever pretend to any great readiness in speaking. I wish those gentlemen of the law, who have it, would make more conscience in the use of it, and not run men down, and, by strains and fetches, impose on easy and willing juries, to the ruin of innocent men: for, to kill by forms and subtilties of the law, is the worst sort of murder. But I wish the rage of hot men, and the partiality of juries, may be stopped with my blood, which I would offer up with so much the more joy, if I thought I should be the last that were to suffer in such a way.

" Since my sentence, I have had few thoughts, but preparatory ones for death; yet the importunity of my friends, and particularly the best and dearest wife in the world, prevailed with me to sign petitions, and make an address for my life, to which I was ever averse; for (I thank God) though in all respects I have lived the happiest and contentedest man in the world, (for now very near fourteen years,) yet I am so willing to leave all, that it was not without difficulty that I did any thing for the saving of my life, that was begging; but I was willing to let my friends see what power they had over me, and that I was not obstinate nor sullen, but would do any thing that an honest man could do for their satisfáction; which was the only motive that swayed or had any weight with me.

" And now, to sum up all, as I had not any design against the King's life, or the life of any man whatsoever, so I never was in any contrivance of altering the government. What the heats, passions, and vanities of other men have occasioned, I ought not be responsible for, nor could I help them, though I now suffer for them. But the will of the Lord be done, into whose hands I commend my spirit! and trust that ' Thou, O most merciful Father, hast forgiven all my ' transgressions, the sins of my youth, and all the errors of my past ' life, and that thou wilt not lay my secret sins and ignorances to my ' charge, but wilt graciously support me during that small time of

'life now before me, and assist me in my last moments, and not 'leave me then to be disordered by fear, or any other temptations, 'but make the light of thy countenance to shine upon me: Thou art 'my sun and my shield, and as thou supportest me by thy grace, so 'I hope thou wilt hereafter crown me with glory, and receive me 'into the fellowship of angels and saints, in that blessed inheritance 'purchased for me by my most merciful Redeemer, who is, I trust, 'at thy right-hand, preparing a place for me, and is ready to receive 'me; into whose hands I commend my spirit!'"*

This paper was so soon printed, that it was selling about the streets an hour after Lord Russell's death. The Court were much provoked at this circumstance, and sent for Tillotson and Burnet to appear before the cabinet council. Tillotson was soon dismissed; but Burnet, who was suspected of writing the paper, underwent a long examination. He told the King he had kept notes of all that Lord Russell had done or said during his attendance upon him; and, on the King's command, he read his journal to the council. The Duke of York was much incensed when he found this diary tended so much to the honour of Lord Russell; and concluded it was meant as a studied panegyric on his memory. Dr. Burnet offered to take his oath, that the speech was written by Lord Russell himself, and not by him.

Lady Russell also contradicted this report, by the following letter to the King:

Endorsed by her,—"My Letter to the King a few days after my dear lord's death."

"May it please Your Majesty;

"I find my husband's enemies are not appeased with his blood, but still continue to misrepresent him to Your Majesty. It is a great addition to my sorrows, to hear Your Majesty is prevailed upon to

believe, that the paper he delivered to the sheriff at his death was not his own. I can truly say, and am ready in the solemnest manner to attest, that [during his imprisonment*] I often heard him discourse the chiefest matters contained in that paper, in the same expressions he therein uses, as some of those few relations that were admitted to him can likewise aver. And sure it is an argument of no great force, that there is a phrase or two in it another uses, when nothing is more common than to take up such words we like, or are accustomed to in our conversation. I beg leave further to avow to Your Majesty, that all that is set down in the paper read to Your Majesty on Sunday night, to be spoken in my presence, is exactly true, as I doubt not but the rest of the paper is, which was written at my request; and the author of it, in all his conversation with my husband, that I was privy to, showed himself a loyal subject to Your Majesty, a faithful friend to him, and a most tender and conscientious minister to his soul. I do therefore humbly beg Your Majesty would be so charitable to believe, that he who in all his life was observed to act with the greatest clearness and sincerity, would not, at the point of death, do so disingenuous and false a thing, as to deliver for his own what was not properly and expressly so. And if, after the loss, in such a manner, of the best husband in the world, I were capable of any consolation, Your Majesty only could afford it, by having better thoughts of him, which, when I was so importunate to speak with Your Majesty, I thought I had some reason to believe I should have inclined you to, not from the credit of my word, but upon the evidence of what I had to say. I hope I have writ nothing in this that will displease Your Majesty. If I have, I humbly beg of you to consider it as coming from a woman amazed with grief; and that you will pardon the daughter of a person who served Your Majesty's father in his greatest extremities, [and Your Majesty in your greatest posts] and one that is not conscious

* The words included in the brackets are crossed out.

of having ever done any thing to offend you [before]. I shall ever pray for Your Majesty's long life and happy reign.

"Who am, with all humility,

"May it please Your Majesty, &c."

The two following letters give such a picture of Lady Russell's state of mind, after her lord's death, that they properly belong to this narrative. The second relates, besides, to the favour the King showed her.*

Lady Russell to Dr. Fitzwilliam.

"I need not tell you, good Doctor, how little capable I have been of such an exercise as this. You will soon find how unfit I am still for it, since my yet disordered thoughts can offer me no other than such words as express the deepest sorrows, and confused as my yet amazed mind is. But such men as you, and particularly one so much my friend, will, I know, bear with my weakness, and compassionate my distress, as you have already done by your good letter and excellent prayer. I endeavour to make the best use I can of both; but I am so evil and unworthy a creature, that though I have desires, yet I have no dispositions, or worthiness, towards receiving comfort. You that knew us both, and how we lived, must allow I have just cause to bewail my loss. I know it is common with others to lose a friend; but to have lived with such a one, it may be questioned how few can glory in the like happiness, so, consequently, lament the like loss. Who can but shrink at such a blow, till, by the mighty aids of his Holy Spirit, we will let the gift of God, which he hath put into our hearts, interpose? That reason, which sets a measure to our souls in prosperity, will then suggest many things

* The first of these letters is from Lady Russell's published letters; the second is in MSS. at Woburn.

which we have seen and heard, to moderate us in such sad circumstances as mine. But, alas! my understanding is clouded, my faith weak, sense strong, and the devil busy to fill my thoughts with false notions, difficulties, and doubts, as of a future condition*
of prayer: but this I hope to make matter of humiliation, not sin. Lord! let me understand the reason of these dark and wounding providences, that I sink not under the discouragements of my own thoughts! I know I have deserved my punishment, and will be silent under it; but yet secretly my heart mourns, too sadly, I fear, and cannot be comforted, because I have not the dear companion and sharer of all my joys and sorrows. I want him to talk with, to walk with, to eat and sleep with; all these things are irksome to me now; the day unwelcome, and the night so too; all company and meals I would avoid, if it might be; yet all this is, that I enjoy not the world in my own way, and this, sure, hinders my comfort: when I see my children before me, I remember the pleasure he took in them; this makes my heart shrink. Can I regret his quitting a lesser good for a bigger? O! if I did stedfastly believe, I could not be dejected; for I will not injure myself to say, I offer my mind any inferior consolation to supply this loss. No; I most willingly forsake this world—this vexatious, troublesome world, in which I have no other business but to rid my soul from sin; secure, by faith and a good conscience, my eternal interests; with patience and courage bear my eminent misfortunes, and ever hereafter be above the smiles and frowns of it. And when I have done the remnant of the work appointed me on earth, then joyfully wait for the heavenly perfection in God's good time, when, by his infinite mercy, I may be accounted worthy to enter into the same place of rest and repose where he is gone, for whom only I grieve I do † fear. From that contemplation must come my best support. Good Doctor, you will think, as you have reason, that I set no bounds, when I let myself

* Two or three words torn off. † A word torn off.

loose to my complaints; but I will release you, first fervently asking the continuance of your prayers for

"Your infinitely afflicted,

"But very faithful servant,

"*Woburn-Abbey,* "R. RUSSELL."

"*September* 30, 1683."

Lady Russell to Colonel Russell.

Endorsed—"Uncle Russell, October 7. 1683."

"Apology, dear uncle, is not necessary to you for any thing I do, nor is my discomposed mind fit to make any; but I want your assistance, so I ask it freely. You may remember, Sir, that a very few days after my great and terrible calamity, the King sent me word he meant to take no advantage of any thing was forfeited to him; but terms of law must be observed: so now the grant for the personal estate is done, and in my hands, I esteem it fit to make some compliment of acknowledgment to His Majesty. To do this for me, is the favour I beg of you; but I have writ the enclosed paper in such a manner, that, if you judge it fit, you may, as you see cause, show it to the King, to let him see what thanks I desire should be made him; but that is left to you to do as you approve. Truly, uncle, it is not without reluctance I write to you myself, since nothing that is not very sad can come from me; and I do not love to trouble such as I am sure wish me none. I ask after your health, and when I hear you are well, it is part of the only satisfaction I can have in this wretched world, where the love and company of the friends and dearest relations of that dear and blessed person must give me all I can find in it now. It is a great change, from as much happiness as, I believe, this world can give, to know no more,—as never must,

"Your, &c."

Every consolation that friendship could bestow was lavishly offered to Lady Russell, but in vain. The following testimony to her husband's worth, however, which I leave in her own words, must have been gratifying to her feelings: —

" Thursday, the 24th March, 1686–7.

" I received a visit from Mr. Dyckvelt, the Dutch ambassador. He spoke in French to this effect:—To condole, on the part of the Prince and Princess of Orange, my terrible misfortunes, of which they had a very feeling sense, and continued still to have so; and as my loss was very great, so they believed my sorrow still was such: that for my person in particular, as also my own family, and that I had married into, they had great respect and value, and should always readily take all occasions to show it: that it would be a great pleasure to them, if it would give any ease to my thoughts, to take the assurance, that if ever it should come to be in their power, there was nothing I could ask that they should not find a content in granting:

" That, for the re-establishing of my son, what I should at any time see reason to ask, would be done in as full and ample a manner as was possible: that he did not deliver this message in a private capacity, but as a public minister. Then, again, he hugely enlarged his compliment, giving me the content to tell me the high thoughts the Prince always had, and still preserved, of my excellent lord; that His Highness had never accused his intentions, even at the time of his suffering, and had considered and lamented it as a great blow to the best interest of England, the Protestant religion: that he had frequently before heard the Prince take occasion to speak of him; and that he ever did it, as of one he had the best thoughts of one could have of a man:

" And he said (with protestations that he did (*not*) do so with design to make an agreeable compliment to me), that he found the very same justice given to his memory here, and that so universal, that even those who pretended no partiality to his person or actings, yet bore a

reverence to his name; all allowing him that integrity, honour, courage, and zeal to his country, to the highest degree a man can be charged with, and in this age, perhaps, singular to himself; and he added, all this completed with a great piety. Words to this effect (as near as my memory can carry it) he several times repeated, and gave (as he termed it) one remarkable instance, at what rate such who were not his professed friends esteemed his loss. It was this, that, dining at Mr. Skelton's (then the King of England's resident in Holland) immediately after the news was come thither of my Lord's sufferings, &c., Mr. Dyckvelt, taking notice of what had passed, and in such a manner as was most proper for him to do, to Mr. Skelton, Mr. Skelton sat silent when he named the Lord Essex; but, that upon my Lord Russell's name, he replied upon it, 'The King has, indeed, taken the life of one man; but he has lost a thousand, or thousands, by it.' Mr. Dyckvelt then added, 'This I know to be the very sense of so many, that I should not have repeated it, but for this reason, I do it because Mr. Skelton said it.'"

When William obtained possession of the throne, he amply fulfilled the promises he had so generously made. The second Act he passed was one for reversing the attainder of Lord Russell, in the preamble of which his execution is called a murder. In 1694, he created the Earl of Bedford a Duke, and amongst the reasons for conferring this honour, it is stated, "That this was not the least, that he was the father to Lord Russell, the ornament of his age, whose great merits it was not enough to transmit by history to posterity, but they (the King and Queen) were willing to record them in their royal patent, to remain in the family as a monument consecrated to his consummate virtue, whose name could never be forgot, so long as men preserved any esteem for sanctity of manners, greatness of mind, and a love to their country, constant even to death. Therefore, to solace his excellent father for so great a loss, to celebrate the memory of so noble a son, and to excite his worthy grandson, the heir of such mighty hopes, more cheerfully to emulate and follow the example of

his illustrious father, they intailed this high dignity upon the Earl and his posterity." When the bill for reversing the attainder before mentioned came down to the House of Commons, Mr. Finch endeavoured to justify the part he had taken in the trial. But this only excited the indignation of the House. It was moved by Sir Thomas Clarges, to leave out the words in the bill "it is at the request of the Earl of Bedford and Lady Russell only," because the justice of the nation is of more importance than the wishes of any private person.

It is not within my province to pursue any farther the sorrowful years of Lady Russell. Religion afforded, to a mind like hers, the chief motive to be resigned, when nothing could give her a reason to be consoled.

Before taking leave, however, of so admirable a person, I cannot refrain from offering some remarks upon her character.

Her life may be divided into two parts; one, in which we sympathise with her happiness; the other, in which we admire her fortitude, and feel for her distress. In the first we have seen her captivate the affections of Lord Russell; and, after having become his wife, we have mentioned her as busy in collecting political intelligence for his information, as anxiously providing for his health and comfort, directing the care, and enjoying the amusements of her children; and, above all, returning thanks to the Most High for the gift of happiness, which, though extreme, she seems never to have abused. She was to her lord the chosen mistress of his heart, the affectionate companion of his life, the tender and solicitous mother of his offspring. These qualities were sufficient to stamp her character as amiable; the conduct we afterwards related mark it as sublime. We then saw her attend her husband in prison, upon a charge of high treason, and divide her day between the soothing attention which his situation excited, and the active enquiries which his defence required. We found her, where a nobleman's wife might not, perhaps, be expected,—acting as his secretary in a court of justice, and writing, with her own hand, the notes from which he was to plead, in a cause where his life was at stake. After his condemnation,

we followed her in the anxious and unceasing solicitations which she made, on every side, to obtain his pardon; and, amidst her restless endeavours to save his life, we still had to admire a heart, which could lead her to abstain from even hinting to the patriot she was about to see perish on the scaffold, that his existence might be prolonged by means degrading to his spirit, or inconsistent with his honour.

The life of Lady Russell, after the death of her lord, was occupied and embittered by that grief, of which she has left in her letters so affecting a memorial. Yet we are not to suppose that sorrow for her departed husband made her incapable of the duties which remained to her to perform. We find her, on the occasion of the marriage of her daughter, expressing her resolve not to bend her child's inclinations to her own judgment. There remains a letter to Mrs. Howland, whose daughter was to marry her son, afterwards Duke of Bedford, giving very sensible advice upon the manner in which the child, then eight years old, ought to be educated. And it is worthy of remark, that so serious a person as Lady Russell does not omit to mention dancing as one of the things which her future daughter-in-law ought to learn: for, "though I confess," she says, "fashion, and those other accomplishments are, perhaps, over-rated by the world, and I esteem them but as dross and as a shadow, in comparison of religion and virtue, yet the perfections of nature are ornaments to the body, as grace is to the mind." It appears, by another letter, that she gave a large sum from her own fortune, to pay the debts which her son had contracted by gambling; and, to conclude these quotations, there is another, in which she exhorts him, by every argument she can imagine, to seek for support in religion, which had been her own guide and consolation. The peculiarity which is most striking in Lady Russell is, that she was esteemed and consulted by her cotemporaries, and has been admired and revered by posterity, without any ambitious effort of her own. She neither sought to shine in the world by the extent of her capacity, nor to display, by affected retirement, the elevation of her soul; and when

circumstances obliged her to come forward on the stage of history, she showed herself in the appropriate character of a wife and a mother. Hence we may believe, that the unobtrusive modesty of private life contains many a female capable of giving the same example to her sex, and to mankind. But the hour of danger is past: the liberties for which Lord Russell sacrificed his life are established; and it is to be hoped that no English widow may, in future, have to mourn a husband, unjustly condemned, and tyrannically executed.

CHAP. XIX.

TRIALS OF OTHER PERSONS FOR THE PLOT. — ENQUIRY INTO THE REALITY OF THE RYE-HOUSE PLOT.

Before concluding this work, it will be proper to give some account of those who were involved with Lord Russell in the accusation of conspiring against the King, and to offer some observations on the reality of the Rye-House plot.

In November, Algernon Sydney was brought to trial. He was much more hardly used than Lord Russell had been; and the trial exhibits a strange and unnatural contrast between the violence, the injustice, and the brutality of the judge; and the calmness, the pointed reasoning, and the heroic fortitude of the prisoner. He was tried by a jury, many of whom were not freeholders. Jeffries, then Chief Justice, said the point had been decided on Lord Russell's trial, although, in that case, the trial had been in the city of London, and this was at the King's Bench. Rumsey and West were the first witnesses against him; and they swore that they knew nothing of the prisoner since the conspiracy began. They had heard that he was one of the council of six; and, what is most curious, West had heard this from Rumsey, and Rumsey had heard it from West. Lord Howard followed, adding many particulars to his former tale; but as he was the only direct witness, the evidence required by law was filled up with a manuscript-book, in Sydney's hand-writing, writtten some years before. Quotations, proving that he approved of the conspiracies against Nero, and against Caligula, were read as proofs of his having compassed the King's death. The Lord Chief Justice, in summing up the evidence, laid it down as law, that if one witness deposed that a man had said he would kill the King with a knife, and

another witness deposed that he had bought a knife, these two would form the two witnesses required by law. It is needless to enter farther into this well-known case; but I cannot help expressing my own sentiment, that there is no murder which history has recorded of Cæsar Borgia, which exceeds in violence, or in fraud, that by which Charles took away the life of the gallant and patriotic Sydney.

The Duke of Monmouth was persuaded, by Lord Halifax, to make his confession. He did this in a letter, in very general terms; but being told that he might hurt Mr. Hampden, and others of his friends, he went to the King, and desired to have it back. The King gave him his letter, but accompanied it with some severe expressions, and forbad him the court. He retired to Holland, where he was treated by the Prince of Orange with particular respect.

Not even a scrap of old writing could be found to corroborate the evidence of Lord Howard against Hampden; but the crown-lawyers thought proper to try him for a misdemeanour, for which one witness is sufficient. To convert the acts for which Russell and Sydney had been beheaded into a misdemeanour, seems strikingly absurd; but a fine of 40,000l., which was equivalent to imprisonment for life, shows the intention of the Royal brothers. After this sentence, he was confined in different prisons, and all his real and personal property sequestered, till Monmouth's unsuccessful attempt. At that time Lord Grey consented to become a second witness against him; but some of his friends having raised six thousand pounds, which they offered to Jeffries and Mr. Petre, obtained his pardon, on condition that he should plead guilty.* Dalrymple, who was perfectly aware of these facts, mixes them up, as usual, with romance. He attributes it to the unpopularity which Sydney's trial had brought on the government, that Hampden was not at first tried for his life; and he suppresses the fact of 6000l. having been given for his pardon, in order to insert the following passage, which is a mixture of odious misrepresentation and affected sentiment:—" In despair he pleaded

* Hampden's Examination before the Lords, 1689.

guilty. It was a sad spectacle to the generous of all parties, to see the grandson of the great Hampden entreating the meanest of mankind to interpose with the King for his life. Satisfied with the humiliation, because it was worse than death, Jeffries obtained his pardon from James."

In 1684, Holloway, who had been sent home, confessed all he knew, refused a trial, and was executed. He hinted, at his death, that had he chosen to discover more than was true, he might have saved his life. His discoveries produced an impression unfavourable to the belief of the plot. *

This impression was strengthened by the last words of Armstrong, who was taken in Holland, and condemned on a sentence of outlawry. He asked in vain for a trial, on the ground that the year allowed for him to come in was not expired, so that he might have surrendered himself voluntarily some months afterwards. When he asked for the benefit of the law, and said he demanded no more, Jeffries answered, with a savage repartee, "That you shall have, by the grace of God. See that execution be done on Friday next, according to law. You shall have the full benefit of the law." †

We come now to the trials in Scotland. By an order in council of October 22. 1683, the King ordered the laird of Cesnock, and his son, the lairds of Rowallan, elder and younger, Crawford of Crawfordland, Fairly of Brunsfield, Alexander Monro of Beaucrofts, Baillie of Jerviswood, Mr. William Carstairs, Hepburn, son to Major Hepburn, and Spence, servant to the Earl of Argyle, to be sent prisoners to Edinburgh, to be tried according to the law of Scotland. This was done, as Wodrow says, because the Scotch law was far more arbitrary than the English.

Sir Hugh Campbell, of Cesnock, was indicted in February, 1684, not for the Rye-House plot, but for harbouring rebels in the rising of Bothwell-Bridge. For the purpose of convicting him, two witnesses were brought, Ingrham and Crawford. When Ingrham was brought in,

* Burnet. † State Trials.

and was holding up his hand to swear, Cesnock, addressing him, said, "Take heed now what you are about to do, and damn not your own soul by perjury; for, as I shall answer to God, and upon the peril of my own soul, I am here ready to declare I never saw your face before this process, nor spoke to you."* This appeal had such an effect on both the witnesses, that they deposed nothing against him; and, notwithstanding the angry endeavours of the judge to draw evidence out of them, the jury would hear no more, and the prisoner was acquitted. The following account of some curious circumstances which occurred during this trial, is thus given by Wodrow:—

"As Ingrham was going on in his deposition, one of Cesnock's lawyers asked him, whether he had communicated this to any others, to seduce them thus to depone, and told him, he was now under a deep oath, and nothing less than his soul at stake. Ingrham answered, 'I believe I have spoken of it to several.' Then the Justice-General asked, if Cesnock spake any other words to Crawford? Ingrham answered, 'My Lord, I am now upon my great oath; and I declare I do not remember he spake any more at all.'

"Upon this there was a great shout, and clapping of hands in the court; at which the King's Advocate said, in a great passion, that he believed that Cesnock had hired his friends to make this acclamation, in order to confound the King's evidence; and he never heard of such a Protestant roar, except in the trial of Shaftesbury; that he had always a kindness for that persuasion till now; that he was convinced in his conscience it hugs the most damnable trinket in nature.

"After silence, the Justice-General interrogated Ingrham again; who answered, he had said as much as he could say upon oath: and the Justice-General offering, a third time, to interrogate Ingrham, Nisbet, of Craigentinny, one of the assizers, rose up, and said, 'My Lord Justice-General, I have been an assizer in this court above twenty times, and never heard a witness interrogated upon the same

* Wodrow.

thing more than twice; and let Cesnock's persuasion be what it will, we who are assizers, and are to cognosce upon the probation, upon the peril of our souls, will take notice only to Ingrham's first deposition, though your Lordship should interrogate him twenty times.' The Justice-General answered him, with warmth, 'Sir, you are not judges in this case.' The laird of Drum, another of the assizers, presently replied, 'Yes, my Lord, we are (*the*) only competent judges as to the probation, though not of its relevancy.' Whereupon the whole assizers rose up, and assented to what those said. The Justice-General, in a great heat, said, 'I never saw such an uproar in this court, nor, I believe, any of my predecessors before me; and it is not us you contemn, but His Majesty's authority.'

"Silence being commanded, Crawford, the other witness, was called in, who, being duly sworn, and no objection being made against him, he deponed negative, 'that he did not see Cesnock for a considerable time, either before or after Bothwell-Bridge; that he does not remember that Cesnock spake any thing to him, either about the West-land army, or who commanded them.'

"Whereupon there was another great cry made, and clapping of hands, which put the Justice-General and Advocate into a great rage, at what they reckoned an irreverent insulting of the Court. Then Cesnock's advocate craved the probation might be remitted to the knowledge of the assize, which could not be refused; and, after a short speech made to them by Cesnock's lawyers, they inclosed themselves, and very soon returned their verdict, 'Not Guilty.'" Notwithstanding this verdict, the two Campbells were sent back to prison; and being afterwards condemned by the Scotch Parliament, James the Second annexed their lands to the Crown, and confined them as prisoners at the Isle of Bass.*

It is to the honour of Scotland, that no witnesses came forward, voluntarily, to accuse their associates, as had been done in England,

* State Trials, vol. x. p. 974.

by Rumsey and Lord Howard. The cruel means of torture were, therefore, used to obtain the convictions of those who were peculiarly obnoxious to the Court: and, even with the assistance of such dreadful engines, the ministers of the Crown were obliged to promise a pardon to the greater number, in order to obtain the execution of one or two individuals.

Spence, upon whose person some letters, written in cyphers, were found, was offered his pardon, if he would read them. He refused to do so; but would not say upon oath that he could not. Upon this, he was tortured and put in the boots, and then, being delivered into the hands of General Dalziell, he was, by means of a hair shirt and pricking, kept without sleep, as it was said, for five nights. All this proving ineffectual, he was tortured with thumbikins, a new discovery, reported to have been brought by Generals Dalziell and Drummond from Muscovy. These barbarous means at length forced from him a confession, in which he owned, amongst other particulars, that Mr. William Carstairs, a clergyman who was in custody, had one of the three keys which were necessary to explain the cypher. This led to the torture of Carstairs. He withstood the pain once without shrinking, but the next day he confessed, upon conditions. The conditions, the same as those which had been obtained by Spence, were, that he should have a pardon for himself, and should not be brought as a witness against others. With all this, his confession did not satisfy his enemies. Before it was printed, it was garbled and mutilated, and, in the place where it should be inserted in the register of the Privy Council, there follow two blank pages. Witnesses against the plot were not yet obtained; but the information of which the government was in possession, enabled them so to work on the fears of Lord Tarras, and Murray of Philiphaugh*, that they were brought to appear against Baillie of Jerviswood.

Baillie was at this time so ill, that it was thought he could not live long. Though his wife offered to be put in irons, if she might

* Burnet says, by means of their wives.

remain in prison with him, he was denied that comfort; and even his daughter, at that time only twelve years of age, was not allowed to see him. He was required to purge himself, by oath, from the charge of having any concern in the Rye-House plot. When he refused to do this, though in general he protested his innocence, so heavy a fine was imposed upon him as to amount to a sentence of imprisonment for life. But the Court, not satisfied as long as Baillie lived, had no sooner prevailed on Lord Tarras and Murray to give evidence against him, than they brought him to trial for his life. The garbled confession of Carstairs, which they had promised not to make use of as evidence, was produced, and two clerks of council brought to swear to its accuracy. He was found guilty, and executed in great haste, lest death should prevent the work of vengeance. *

I have related these particulars concerning those who suffered for the Rye-House plot, that the reader may the more easily be enabled to follow the remarks I am about to make on the real nature of that plot. If my opinion is well founded, there existed, indeed, both in the higher and the lower orders, a great number of discontented persons: this discontent produced consultations on the state of the nation, and the practicability of resistance amongst the leaders, and wild talk about taking off the King and Duke, amongst indigent and unprincipled men. But there never was a formed plan, either for assassinating the King, or raising the country, except in the heads of Rumsey and West, and Lord Howard and Lord Grey.

I must remark, in the first place, that Lord Russell, and those connected with him, were never supposed to be implicated, even by their bitterest enemies, in the plot for murdering the King. It will be as well, therefore, to speak of that plot in the first place.

On a subject of this kind, there is no better evidence than that of men who are about to die for the crime; and their confessions are more to be attended to in this case than in that of the Popish plot, as the persons executed for this conspiracy were not bound by any tie

* Burnet.

of faith or sect to support one another, and were of different religions, manners, professions, and habits.

On the day preceding Lord Russell's execution, Walcot, Hone, and Rouse were executed. Walcot laid the contrivance of the plot upon Rumsey and West. But it is better to give his own words, that no mistake may be made:

"I confess I was so unfortunate and unhappy as to be invited by Colonel Rumsey (one of the witnesses against me) to some meetings, where some things were discoursed of, in order to the asserting our liberties and properties, which we looked upon to be violated and invaded. But it was he, and Mr. West, and some gentlemen that are fled, who were the great promoters of those meetings. I was near a quarter of a year ill of the gout, and, during that time, Mr. West often visited me, and still his discourse would be concerning 'Lopping the two sparks;' that was the word he used, meaning the King and the Duke; and proposed it might be done at a play. This was his frequent discourse; for he said, then they would die in their calling: it was his very expression. He bought arms to do it with, without any direction of mine; I never saw the arms, nor I never saw the men that were to do it; though they said they had fifty employed to that end. I told several of them, that the killing the King would carry such a blemish and stain with it, as would descend to posterity; that I had eight children, that I was loth should be blemished with it; and withal I was confident the Duke of Monmouth would revenge his father's blood, if it were but to vindicate himself from having any hand in it. Mr. West presently told me, that the Duke of Monmouth did not refuse to give an engagement, that he would not punish those that should kill the King."

Hone, who appears to have been a weak man, confessed he had been drawn in, and quoted the words of Scripture, "Thou sawest a thief, and thou consentedst to him." He said, he had never been at any of the clubs. He owned he had said, he had rather kill the King and save the Duke of York; but when asked if he had rather a Papist should reign over us, he said, he did not know what to say to that.

Rouse gave a very long detail, but reported nothing except on hearsay. He had been told by one Leigh, (one of the witnesses against him,) that Goodenough had a design to secure the King's person, without shedding blood. Rouse, as well as the other two, accused the witnesses against him of being the most forward to incite others.

Lord Russell was much rejoiced, when he heard what these men had said; and considered it would destroy all the credit hitherto given to the witnesses.

In the confession of Holloway, we find much vague talk about a plot, and a proposal of his own to surprise Bristol.

The following are important passages in Holloway's confession:

"About the beginning of May I came up to London again, in company with Mr. Wade, and some other Bristol men; but when we came up, my business being in the city, and theirs about the Temple, we parted; after two or three days, I met with Mr. Wade, and asked how he found things, who told me, he doubted all would prove a sham, for he thought there was nothing intended, finding nothing materially done in order to what had been so long discoursed. Then we went to Mr. West, and discoursed him fully about the contents of his letters, who told us, they were resolved to kill the King and Duke as they came from Newmarket; in order to which, he had provided arms for fifty men, pistols, carbines, and blunderbusses; and that they were promised the house of one Rumbold, a maltster, which lay in the road, and the King must come by his door, there the men should have been lodged. Then we asked, who was to have acted it, to which he could give but a slender answer, and could or would name but two men, who were Rumbold and his brother, saying, if they could have raised six or eight hundred pounds to have bought horses, and something to encourage men, they should have had men enough; so that we found they had few men, if more than two, and no horses, only a parcel of arms; which afterwards he showed us at a gunsmith's house, in a little lane near Temple-Bar. Then we asked him what they designed if it had taken effect: to which he answered, that

the men should have come up with all speed to London, and dispersed themselves immediately, declaring for the Duke of Monmouth, and that the King and Duke being dead, no opposition could be made; then we asked, who were for this design, he named Colonel Rumsey, and Richard Goodenough, and, as far as I can remember, no more; so we found it was carried on by them, contrary to the knowledge, or approbation of those who managed the general design: then we declared our great dislike of it, telling him, it was a base, dishonourable, and cowardly action, and would seem odious to all the world, that any pretending themselves Protestants, should be concerned in such a bloody action; and that we thought it was his cowardice put him upon it, to which he said, that he could not fight, but would be as forward with his money as any one of his capacity."

"At this meeting, Rumsey and West would be often saying, there was nothing like the lopping business, meaning the taking off the King and Duke; and that it might be easily done, as they went to or from the play-house; but I never heard any agree with them in it."

"Rumsey was still upon the old strain of killing the King and the Duke, saying, at this the last meeting I was at, going for Bristol next morning, that it might be done in Windsor-park, and that he would undertake it; but not except every one there present would go with him, to which not one consented."

These passages are very important, as they form part of a confession made by a man already condemned to death, but still influenced by the hope of obtaining the King's pardon. They fix the project of assassination upon Rumsey and West, and none other: for the two Rumbolds, and Goodenough, are named upon their authority.

Holloway was asked, at his execution, if he was ever acquainted with Lord Russell; to which he replied in the negative.

The solemn denial of Armstrong is still more weighty. Though he had lived a dissolute life, his last days were spent in prayer and thoughts of a future state: "His pride and his resentments," says Burnet, "were subdued and forgotten." From such a man, we may expect the truth. He says, in the paper he delivered to the sheriff,

"I take God to witness, I never was in any design to take away the King's life; neither had any man the impudence to propose so base and barbarous a thing to me; neither was I ever in any design to alter the government of England. What I am accused of, I know no otherwise than by reports, and prints; which I take to be uncertain. So that it cannot be expected I should make particular answers to them. If I had been tried, I could have proved my Lord Howard's base reflections upon me to be a notorious falsehood; for there were at least ten gentlemen, besides all the servants in the house, can prove I dined there that day." *

Baillie of Jerviswood, who was the chief person concerned in the Scotch part of the conspiracy, also denied, in a manner which forces belief, his knowledge of any plot for murdering the King and Duke. He was, as we have seen, weak and faint, and could not remain at the bar of the justiciary, even sitting, without the help of frequent cordials. When the King's Advocate had finished, he desired leave to speak a few words, not being able to say much on account of his great weakness; which being granted, he said, that he did not expect to live many days, but he found he was intended for a public sacrifice, both in life and estate. He complained that the witnesses had recollected many things which had not passed in his presence: "But there is one thing," he added, as we are informed by Wodrow, "which vexes me extremely, and wherein I am injured to the utmost degree; and that is the charge for a plot to cut off the King and His Royal Highness, and that I sat up at nights to form a declaration to palliate or justify such a villainy. I am in probability to appear, in some hours, before the tribunal of the Great Judge; and, in presence of your Lordships, and all here, I solemnly declare, that never was I prompted, or privy to any such thing, and that I abhor and detest all thoughts or principles for touching the life and blood of His Sacred

* Lord Howard had accused him of being absent on that day, on an expedition to interrupt the King and Duke. Burnet is mistaken in saying that Armstrong denied having been engaged in any design "against the government." His words, as we see above, were, "to alter the government."

Majesty, or his royal brother. I was ever for monarchical government."

"And then, looking directly upon the King's Advocate, he said, 'My Lord, I think it very strange you charge me with such abominable things: you may remember, that when you came to me in prison, you told me such things were laid to my charge, but that you did not believe them. How then, my Lord, come you to lay such a stain upon me, with so much violence? Are you now convinced in your conscience, that I am more guilty than before? You may remember what passed between us in the prison.'

"The whole audience fixed their eyes upon the Advocate, who appeared in no small confusion, and said, 'Jerviswood, I own what you say: my thoughts there were as a private man; but what I say here is by special direction of the privy council;' and pointing to Sir William Paterson, clerk, added, 'he knows my orders.' 'Well,' says Jerviswood, 'if your Lordship have one conscience for yourself, and another for the council, I pray God forgive you; I do.' And turning to the Justice-General, he said, 'My Lord, I trouble your Lordships no further.'"

It will be remembered, that Colonel Rumbold, who, by marrying a maltster's widow, had become the proprietor of the Rye-House, was accused of having lent his house for the assassination. Yet, as far as I remember, this accusation depends on the authority of none but Rumsey and West. His answer to it I shall relate in the words of Mr. Fox, who has added such valuable remarks to the narrative, that I could not wish for a better conclusion to this part of my enquiry. When relating the fate of those who came over with Argyle, he says:—

"Rumbold, covered with wounds, and defending himself with uncommon exertions of strength and courage, was at last taken. However desirable it might have been thought, to execute in England a man so deeply implicated in the Rye-House plot, the state of Rumbold's health made such a project impracticable. Had it been attempted, he would, probably, by a natural death, have disappointed

the views of a government, who were eager to see brought to the block, a man whom they thought, or pretended to think, guilty of having projected the assassination of the late and present King. Weakened as he was in body, his mind was firm, his constancy unshaken; and notwithstanding some endeavours that were made by drums, and other instruments, to drown his voice when he was addressing the people from the scaffold, enough has been preserved of what he then uttered, to satisfy us, that his personal courage, the praise of which has not been denied him, was not of the vulgar or constitutional kind, but was accompanied with a proportionable vigour of mind. Upon hearing his sentence, whether in imitation of Montrose, or from that congeniality of character, which causes men, in similar circumstances, to conceive similar sentiments, he expressed the same wish which that gallant nobleman had done; he wished he had a limb for every town in Christendom. With respect to the intended assassination imputed to him, he protested his innocence, and desired to be believed upon the faith of a dying man; adding, in terms as natural as they are forcibly descriptive of a conscious dignity of character, that he was too well known, for any to have had the imprudence to make such a proposition to him. He concluded with plain, and apparently sincere, declarations of his undiminished attachment to the principles of liberty, civil and religious; denied that he was an enemy to monarchy, affirming, on the contrary, that he considered it, when properly limited, as the most eligible form of government; but that he never could believe that any man was born marked by God above another, 'for none comes into the world with a saddle 'on his back, neither any booted and spurred to ride him.' *

"Except by Ralph, who, with a warmth that does honour to his feelings, expatiates at some length upon the subject, the circumstances attending the death of this extraordinary man have been little noticed. Rapin, Echard, Kennett, Hume, make no mention of them whatever; and yet, exclusively of the interest always excited by any great dis-

* Ralph, i. 872.

play of spirit and magnanimity, his solemn denial of the project of assassination imputed to him in the affair of the Rye-House plot, is in itself a fact of great importance, and one which might have been expected to attract, in no small degree, the attention of the historian. That Hume, who has taken some pains in canvassing the degree of credit due to the different parts of the Rye-House plot, should pass it over in silence, is the more extraordinary, because, in the case of the Popish plot, he lays, and justly lays, the greatest stress upon the dying declarations of the sufferers. Burnet adverts, as well to the peculiar language used by Rumbold, as to his denial of the assassination; but having before given us to understand, that he believed that no such crime had been projected, it is the less to be wondered at, that he does not much dwell upon this further evidence in favour of his former opinion. Sir John Dalrymple, upon the authority of a paper which he does not produce, but from which he quotes enough to show, that if produced it would not answer his purpose, takes Rumbold's guilt for a decided fact, and then states his dying protestations of his innocence, as an instance of aggravated wickedness.* It is to be remarked too, that although Sir John is pleased roundly to assert, that Rumbold denied the share he had had in the Rye-House plot, yet the particular words which he cites neither contain, nor express, nor imply, any such denial. He has not even selected those by which the design of assassination was denied, (the only denial that was uttered,) but refers to a general declaration made by Rumbold, that he had done injustice to no man; a declaration which was by no means inconsistent with his having been a party to a plot, which he, no doubt, considered as justifiable, and even meritorious. This is not all: the paper referred to is addressed to Walcot, by whom Rumbold states himself to have been led on; and Walcot with his last breath, denied his own participation in any design to murder either Charles or James. Thus, therefore, whether the declaration of the sufferer be interpreted in a general, or in a particular sense, there is no con-

* Dalrymple's Memoirs, i. 141.

tradiction whatever between it and the paper adduced; but thus it is, that the character of a brave, and, as far as appears, a virtuous man, is most unjustly and cruelly traduced. An incredible confusion of head, and an uncommon want of reasoning powers, which distinguish the author to whom I refer, are, I should charitably hope, the true sources of his misrepresentation; while others may probably impute it to his desire of blackening, upon any pretence, a person whose name is more or less connected with those of Sydney and Russell. It ought not, perhaps, to pass without observation, that this attack upon Rumbold is introduced only in an oblique manner: the rigour of government destroyed, says the historian, the morals it intended to correct, and made the unhappy sufferer add to his former crimes, the atrocity of declaring a falsehood in his last moments. Now, what particular instances of rigour are here alluded to, it is difficult to guess; for surely the execution of a man whom he sets down as guilty of a design to murder the two royal brothers, could not, even in the judgment of persons much less accustomed than Sir John to palliate the crimes of princes, be looked upon as an act of blameable severity; but it was thought, perhaps, that for the purpose of conveying a calumny upon the persons concerned, or accused of being concerned, in the Rye-House plot, an affected censure upon the government would be the fittest vehicle.

"The fact itself, that Rumbold did, in his last hours, solemnly deny the having been concerned in any project for assassinating the King or Duke, has not, I believe, been questioned.* It is not invalidated by the silence of some historians; it is confirmed by the misrepresentation of others. The first question that naturally presents itself, must be, was this declaration true? The asseverations of dying men have always had, and will always have, great influence upon the minds of those who do not push their ill opinion of mankind to the most outrageous and unwarrantable length; but though the weight of such asseverations be in all cases great, it will not be in all equal

* It is confirmed, beyond contradiction, by Lord Fountainhall's account of his trial and execution.

It is material therefore to consider, first, what are the circumstances which may tend, in particular cases, to diminish their credit; and next, how far such circumstances appear to have existed in the case before us. The case where this species of evidence would be the least convincing, would be where hope of pardon is entertained; for then the man is not a dying man in the sense of the proposition, for he has not that certainty that his falsehood will not avail him, which is the principal foundation of the credit due to his assertions. For the same reason, though in a less degree, he who hopes for favour to his children, or to other surviving connections, is to be listened to with some caution; for the existence of one virtue, does not necessarily prove that of another, and he who loves his children and friends may yet be profligate and unprincipled, or, deceiving himself, may think, that while his ends are laudable, he ought not to hesitate concerning the means. Besides these more obvious temptations to prevarication, there is another, which, though it may lie somewhat deeper, yet experience teaches us to be rooted in human nature. I mean that sort of obstinacy, or false shame, which makes men so unwilling to retract what they have once advanced, whether in matter of opinion, or of fact. The general character of the man is also in this, as in all other human testimony, a circumstance of the greatest moment. Where none of the above mentioned objections occur, and where, therefore, the weight of evidence in question is confessedly considerable, yet is it still liable to be balanced or outweighed by evidence in the opposite scale.

"Let Rumbold's declaration then, be examined upon these principles, and we shall find that it has every character of truth, without a single circumstance to discredit it. He was so far from entertaining any hope of pardon, that he did not seem even to wish it; and indeed, if he had had any such chimerical object in view, he must have known, that to have supplied the government with a proof of the Rye-House assassination plot, would be a more likely road at least, than a steady denial, to obtain it. He left none behind him, for whom to entreat favour, or whose welfare or honour were at all affected by

any confession or declaration he might make. If, in a prospective view, he was without temptation, so neither if he looked back, was he fettered by any former declaration; so that he could not be influenced by that erroneous notion of consistency, to which, it may be feared, that truth, even in the most awful moments, has in some cases been sacrificed. His timely escape in 1683, had saved him from the necessity of making any protestation upon the subject of his innocence at that time; and the words of the letter to Walcot are so far from containing such a protestation, that they are quoted, (very absurdly, it is true,) by Sir John Dalrymple, as an avowal of guilt. If his testimony is free from these particular objections, much less is it impeached by his general character, which was that of a bold and daring man, who was very unlikely to feel shame in avowing what he had not been ashamed to commit, and who seems to have taken a delight in speaking bold truths, or at least what appeared to him to be such, without regarding the manner in which his hearers were likely to receive them. With respect to the last consideration, that of the opposite evidence, it all depends upon the veracity of men, who, according to their own account, betrayed their comrades, and were actuated by the hope either of pardon or reward."

With respect to the other part of the plot, namely, the conspiracy for a rising, it appears undeniable, from the trials and confessions, that there were meetings and consultations held, on the prudence and practicability of resistance; but that there never was a formed plan for an insurrection, much less any project for deposing the King, or altering the government, may with safety be asserted.

The person who goes farthest, as we might naturally expect, in his confessions respecting the plot, is Mr. Hampden. He was examined before a committee of the House of Lords, in 1689, at a time when it was a subject of pride and self-applause to have been concerned in a resistance to the arbitrary government of Charles the Second. Speaking of his plea of "Guilty," he says, "As for the subject-matter of what this examinant confessed, he supposes no man will think he ought to be ashamed of it, who believes the Lord

Russell was murdered." He proceeds to say, that "this was the way which our ancestors always took, when the sovereign authority came to so great a height, as might be made out by many instances. Custom had made this the law of England, and all civilised and well-governed nations about us had used the like way." Speaking of the concern he had in the Revolution, he says, "he thinks King William's coming into England to be nothing else but the continuation of the Council of Six." These last words are very strong; but it would be absurd to infer from them that the Council of Six had any intention of bringing in King William. That there was no design of an immediate rising, is to be inferred from many particulars. It can hardly be supposed that Lord Howard, who was one of the leaders, would have retired, first for three weeks, to the country, and then for five weeks, to Bath, on the eve of an insurrection breaking out. But, according to the evidence of that noble person, on the trial of Lord Russell, the conspirators waited for the return of the messenger they had sent to Scotland. It is therefore proper to follow him there, and see what was done. I will take the account from Murray, of Philiphaugh, the witness for the Crown, who exaggerated matters so much, as to excite frequently the astonishment of Jerviswood, and draw a reproof from his dying lips. The witness deposed that, at the meeting held upon the arrival of the messenger, amongst other discourse, it was said that the surprising rulers was a thing not to be thought of amongst Protestants, as it could not be effected without bloodshed.* He proceeded to make the following statement:—

"All the company seemed to agree, that they should undertake nothing, or move in that affair, till they had a full and certain account what England proposed, what methods they resolved to follow there, who were to be their heads; and that, if they designed any attempt on the King's person, or overturning monarchy, they would not be forward or clear to join. And it being here insinuated, that the most they could do, at least for which there could be any plausible pre-

* State Trials, vol. x. p. 677.

tence, was to draw together; and, without any act of hostility; send addresses to His Majesty for redress of the present abuses of the government, and for obtaining sufficient security against the hazard they apprehended to their religion and liberties; it was said by Polwart, that he was apt to think that was their very design; for he had heard it was generally believed by that party in England, that if once they were in a body, the King would be prevailed with to quite (*leave?*) the Duke to be tried for Popery, correspondence with France, and accession to the Popish plot; and then, if the King were once free from the influence of the Duke's counsels, they were confident he might be moved to reform their abuses, and secure their religion and liberties for the future to their contentment."

This deposition fully corroborates a letter of Carstairs, which is reported to have been written by him to his friends. The substance of it was as follows:—

"He testifies his abhorrence of any design against the King or Duke's life; that all his countrymen with whom he spake, were free from any design against the King or government; and that he frequently told the lords who came to him, this whole affair upon which he was questioned, amounted to no more than talk, without so much as any formed design, and even talking was much broke off, before the discovery of the plot. He showed them how unwilling he was to bring any man to trouble; and that it could not but be very grievous to him to be forced to speak of any who had trusted him as a friend, especially when the business never came to any bearing, or to that height as to be any way prejudicial to the government."

If, however, the reader estimates the character of Lord Russell as one in which falsehood found no place, he will agree with me, that the words spoken by him to Bishop Burnet, with the confidence of friendship, and in the expectation of being summoned, within a few hours, before his Creator, are the best of all evidence. He then declared that all that had been done amounted to loose discourse, or, at most, embryos, that never came to any thing.* And, in the paper

* Burnet's Journal.

delivered to the sheriffs, he says, "And now, to sum up all, as I never had any design against the King's life, so I never was in any contrivance of altering the government." Dalrymple considers this denial as a proof that Burnet wrote the paper; because it is difficult to reconcile it with Lord Russell's sincerity.* He tells us that †, on the trial, Lord Russell did not either avow or deny the intended insurrection; but this is a mistake. In the printed trial he is made to say that he looked on a rebellion as wicked and impracticable, and that he never wished to redress any grievance but in a legal and parliamentary way. In the report here given from his own hand, he says, "As for going about to make or raise a rebellion, that likewise is a thing so wicked, and withal so impracticable, that it never entered into my thoughts." His language, on his trial, to his friend, and in his last speech, is thus firm and consistent, though, as might be expected, his language is stronger to the judges before conviction than to the world and his friend afterwards. Dalrymple says, there is a letter in the Paper-office of Lord Russell to the King, in which he only denies the assassination. The petition to the King before given, in which he merely allows the meetings to be unlawful, must be the letter here alluded to. I have looked at the papers in the Paper-office, and there is only one other petition, or letter, of Lord Russell to the King, which is quite unimportant. Such is the faithful description of Dalrymple, and that too in a note, in which he complains of the inaccuracy of Burnet.

The judgment expressed by Lady Russell, many years afterwards, probably contains the truth on this subject. She was persuaded the Rye-House plot was no more than "talk;"—"and 'tis possible," she adds, "that talk going so far as to consider, if a remedy to supposed evils might be sought, how it could be formed."‡

* Dal. p. 93. † Ibid. p. 91.

‡ The whole of the passage is worth insertion. It is on the occasion of Monmouth's invasion, in a letter to Dr. Fitzwilliam:—

"And now, Doctor, I take this late wild attempt to be a new project, not depending on, or being linked in the least to any former design, if there was then any

The Duke of Monmouth, in his declaration against James the Second, seems to allow the existence of meetings to consult of extraordinary, yet lawful, means, to rescue our religion and liberties from the hands of violence, when all ordinary means, according to the laws, were denied and obstructed.

We may now, upon the whole, conclude, that the consultations in which Lord Russell took a part, related to the means of resisting the government, but that no plan of rebellion was any wise matured.

In the examination which I have made into the truth of the Rye-House plot, I have placed no reliance on the authorities of Lord Grey, and Bishop Sprat.

The character of Ford, Lord Grey, is stained with licentiousness, cowardice, falsehood, and ingratitude. The seduction of his wife's sister, of which an account may be seen in the State Trials, was aggravated by duplicity to her parents, and barbarity to her. After the

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real one, which I am satisfied was not, no more than (my own lord confessed) talk. And it is possible that talk going so far as to consider if a remedy to supposed evils might be sought, how it could be formed? But, as I was saying, if all this late attempt was entirely new, yet the suspicion my lord must have lain under would have been great; and some other circumstances, I must confess, would have made his part an hard one. So that, from the deceitfulness of the heart, or want of true sight in the directive faculty, what would have followed, God only knows. From the frailty of the will I should have feared but little evil; for he had so just a soul, so firm, so good, he could not warp from such principles that were so, unless misguided by his understanding, and that his own, not another's; for I dare say, as he could discern, he never went into any thing considerable, upon the mere submission to any one's particular judgment. Now his own, I know, he could never have framed to have thought well of the late actings, and therefore most probably must have sat loose from them. But I am afraid his excellent heart, had he lived, would have been often pierced from the time his life was taken away to this. On the other hand, having, I trust, a reasonable ground of hope he has found those mercies he died with a cheerful persuasion he should, there is no reason to mourn my loss, when that soul I loved so well lives in felicities, and shall do so to all eternity. This I know in reason should be my cure; but flesh and blood in this mixed state is such a slave to sense, the memory how I have lived, and how (as I think) I must ever do for the time to come, does so prevail and weaken my most Christian resolves, that I cannot act the part that mere philosophy, as you set down many instances, enabled many to an appearance of easiness; for I verily believe they had no more than me, but vainly affected it."

accession of James, he excited Monmouth to make an invasion, and afterwards ruined his cause by his notorious cowardice. When in prison, he offered to become a witness against his former associate Mr. Hampden; and, in order to secure his own life, he wrote, by the command of James, what Mr. Hume is pleased to call "the most full and authentic account" of the Rye-House plot. The story is long, and well told, and probably has a great mixture of truth; but as it is impossible to separate the true from the false, it is better to neglect it altogether.

Bishop Sprat wrote, at the desire of Charles and James, a history of the Rye-House plot: but, after the Revolution, he published two exculpatory letters to the Earl of Dorset, in which he says that James, after his accession, called for his papers, and having read them, and altered divers passages, caused them to be published, by his own authority. Sprat also retracts all that he had insinuated against Lord Russell's veracity: his authority must, of course, be equally disregarded with that of Lord Grey.

It remains to be considered, how far Lord Russell was justified in consulting and debating on the practicability of raising an insurrection.

I apprehend few men will now deny that resistance to a government may sometimes be an act, not only justifiable as an enterprise, but imperative as a duty. At the same time, I am far from agreeing to the doctrine attributed to Lord Chatham, that "it were better for the people to perish in a glorious contention for their rights, than to purchase a slavish tranquillity, at the expense of a single iota of the constitution."* It should, indeed, be the endeavour of men who have inherited liberty from their ancestors, to transmit the possession unimpaired to their descendants; but the loss of a single franchise may be compensated, and abuses of power, though frequent, may be resisted, without recourse to arms, so long as there are channels through which the injured may obtain redress. Should these be choaked up, and in danger of being totally closed, it is then the un-

* Anecdotes of Lord Chatham. Speech, January 9. 1770.

questionable right of all men who value their privileges, to prepare other means for their defence.

If we consider the state of the government at the period when Lord Russell was executed, we shall see that it had totally changed its nature. The very means by which the Crown may be lawfully resisted, had been either taken away, or converted into instruments for raising a new edifice of arbitrary power. These means are, the parliament, the courts of justice, and the press. The parliament had been dissolved two years before, with an apparent determination never to call another; and, should their assistance be ever wanted, the surrender of the charters gave so commanding an influence to the Crown, that their remonstrances would be no longer formidable. Accordingly, King James found, in the parliament which he assembled upon his coming to the throne, a willing and humble tool.

The courts of justice, where judges were appointed and displaced at the King's pleasure, and juries were returned, without regard either to law or decency, had become more subservient to the Court than those of France, a country in which despotism was openly established. In London, where justice had long been neglected, in the struggle of the rival parties, the Tories were now completely triumphant, and there was no doubt that the promoters of the Exclusion Bill would not receive free and impartial justice.

The press also, the last refuge of the worshippers of freedom, had become a fortress of her enemies. The writings of the Whigs were suppressed, and calumnies against them published, in violation and in contempt of the laws. That such was the system of government, has been fully made out by the facts before detailed; and, to crown all, in order to afford time for the new system to acquire stability, a pension was received from a foreign power, which defrayed the most urgent expenses of the Court.

So many measures, all tending to the same end, constituted no less change in the English constitution than was effected by the Republicans when they beheaded Charles the First, and proclaimed the Commonwealth: and had Charles the Second lived, or had James not

obstinately persevered in his attachment to Popery, there can be little doubt that 1681 would now be looked upon as the era of a revolution which established in England the unlimited monarchy of the Stuarts.

These considerations are sufficient, it appears to me, to justify the alarm which Lord Russell felt for his country, and his wish to form a party against the dangerous pretensions of the royal brothers. But, in all cases of resistance, not only must the justice of the cause be considered, but also the probability of success. Prudence is, in this instance more perhaps than in any other, a moral duty; for, by a mistake in calculation, the lives of thousands may be hazarded, and the chains of the people more completely rivetted. The magnitude of such a crime, and the inviting form under which it appears to the most honourable minds, are the only excuse for the severity of those laws which condemn him who is guilty of it to forfeit, not only his life, but the honours and property which have descended to his family.

In the time of which I am treating, as Lord Russell himself remarked, an insurrection could not be made by a few great men. On the other hand, it was by no means necessary that the people should be disposed universally to act against the government. "There is more strength in union than in numbers," says Lord Halifax: "witness the people, who, in all ages, have been scurvily used, because they could so seldom agree to do themselves right." Again, he says, "The people can seldom agree to move together against a government; but they can sit still, and let it be undone." Indeed, except where the oppressor has appeared in the shape of a foreign foe, rather than a domestic tyrant, as in Holland and in Switzerland, the people have, in very few cases, risen in a body to assert their rights. It is sufficient to justify the leaders of an insurrection, that the people should be thoroughly weary of suffering, and disposed to view with complacency a change of rule. Were they so in 1683? It appears to me that they were not. Acts of oppression had been exercised chiefly against a party, many of whom had become unpopular; the

general character of the government was not tyrannical; the religion, and the property of the subject, had not yet been attacked. Lord Russell seems himself to have entertained little hopes of rousing the people at this period; and it is probable that, after some consultation with his friends, he would either have persuaded them to remain quiet, or have withdrawn altogether from their councils.

But there is another question which may probably be asked: Can it be safe for a government, it may be said, to allow plans for insurrection to be canvassed in the capital? Was it their duty to wait, and see if a feasible project of rebellion could be arranged and prepared for execution? To this question I shall answer, frankly, in the words of Lord Russell, that there was no way of establishing arbitrary power in England, without first wading through his blood. He would have been ever on the alert to watch the designs of the Court; and, in the first moment of its weakness, all the friends of freedom would have been in arms.

The necessary consequences of the measures of Charles were executions, or civil war. The very spirit with which his victims died, showed how little disposed they were to become the willing and quiet slaves of his despotism. Russell refused to barter his free opinions for the hopes of life: Sydney thanked God that he died for the good old cause: Colledge and Rumbold, the first and the last of those who suffered for opposing the arbitrary government of 1681, gave, in their last words, honourable testimony of their fearlessness and sincerity. Their undaunted confidence should have taught James that Englishmen were not afraid of risking their lives for freedom: but, instead of being a warning to him, they became an example to others. It is to their spirit, and the spirit of men like them, rather than to any unalterable law, that we owe the permanency and the excellence of our ancient constitution.

APPENDIX.

APPENDIX.

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OF

THE APPENDIX.

APPENDIX, No. I.

ADVICE OF WILLIAM EARL OF BEDFORD TO HIS SONS.

[This paper was sent to me after the rest of the work was gone to the press. The title is in the hand-writing of John Duke of Bedford, who died in 1771, and the letter itself is in the hand-writing of his secretary, Mr. Beaumont. It is difficult, however, to reconcile the contents of the paper with the title. Mention is made of the mother of the persons to whom it is addressed, as one some time dead; but Anne, Countess of Bedford, the mother of Francis Lord Russell, and his brother William, did not die till 1684. Neither can I reconcile the details of the family given in this paper with an Earl of Bedford of any other period. The style seems to be that of the reign of Charles the First.]

Copy of a Letter wrote by William Earl of Bedford, to his Sons, Francis and William.

Dear Frank;

IGNORANCE and vice are the usual effects of an unlearned and undisciplined education. Of my passionate desire to free you and your brother from both these, I suppose I have given you and the world sufficient testimony, sure I am, I have satisfied myself; you may guess how violent my longings are to advance your piety and understanding, that is, to render you perfect men, in that, death is only displeasing when I think of dying before I see this my desire accomplished, or at least so far as my hopes may be greater than my fears: and as death every day makes his approaches nearer and nearer, (God knows how soon he will make a long separation between us:) and in this other regard too, that whilst I live I shall always be with thee. Be this, then, received either as a legacy for the will of a dying, or the advice of a living father, if it be observed or obeyed in either capacity, I shall think myself neither dead nor absent; I put it into your hands with a prayer, that God will give it his blessing, and then you have mine.

It was the wisest saying of the wisest man, the fear of God is the beginning of wisdom. Holiness then is the introduction of all wisdom; so it shall be the first of my advice, fear God, and if holiness give knowledge, know-

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ledge will give thee happiness, long life, riches, and honour. Length of days is in the right hand of wisdom, and in her left hand are riches and honour, (said the wise King:) how exalted a thing, then, is religion, which is the mother of so great blessings, and who will pity thy complaints for the want of any of these, if they be obtained by the pleasure of (that which will also crown thee with heaven) an holy life; be pious, and thou art all these; fear God, and thou shalt not fear man, or devil, for it will set thee above the reach of fortune, or malice.

RELIGION.

For thy religion, distinguish not thyself by, be not factious for, nor serve under any sect whatsoever: be thou a Christian, the most pure, certain, noblest worshipper of God of all others. But if thou art pressed to give up thy name to any one profession, enquire after and embrace that whose principles conduce most to piety, that which comes nearest the doctrine of Christ. And in the examination of questions in religion, though I am no divine, yet I dare venture to guide your conscience thus far. Be careful still to search into the consequences of a doctrine; rely upon the Scriptures, which are, without exposition, plain, and which, if they offer injury to the attributes of God, rendering them such as we should abhor ourselves to be, or if they open the gate to looseness and profaneness, by no means give them entertainment. Lastly, labour diligently to find the truth when God shall enable you with abilities for that great work, for I would not have you owe your religion to your education only; and for your encouragement to the search of this truth, heedfully remember the most excellent saying of our blessed Saviour. John, vii. 1, 2. "If any man will do his will, he shall know of the doctrine whether it be of God or man." God never denied himself to him that sought him by prayer and holiness of life. And when you have thus happily found this divine truth, embrace it sincerely, and follow it constantly, and be sure to give it honour by your conversation.

LOYALTY.

Next to the fear of God, the Apostle commands honour to the King, which if it be not the sum of the second table, as the other is of the first, it cannot be denied to be the principal and main pillar thereof. And let me tell thee, if thou dost honour thy father and thy mother, thou canst neither be rebel nor schismatic, disloyal to the sovereign power, or disobedient to the church.

DUTY TO PARENTS.

As for your duty to me, I doubt not but it will grow up with your understanding; and when you know how nice and curious my care hath been over your education, even to the least circumstance, my prying into your inclination, observing the bent of your soul, her very first putting forth, heightening the good, and checking the ill, placing guards upon your senses and conversation, not only pointing out the way to virtue, by putting your feet into it, and teaching you to tread it; (I speak not of fashioning or adorning your body, for I would not have you to measure my love and care by gay clothes, noble diet, and recreation, though you enjoyed these in some measure,) when you come to know and judge of this, I have reason to expect, and therefore may boldly challenge, that if you were to choose a father, you would seek me out. Should you now so behave yourself, that as if I were to choose a son, to adopt a gentleman into my family to inherit my name and fortunes, you only I should pitch upon; besides the joy of beholding it, I should have a requital even to my wish. Nor were it possible for you to die in my debt, for your education, if you observe this with like care to bring up your children also, (if it shall please God to give you that blessing;) and because I have an ambition to oblige posterity, I do here charge this duty upon you, that you also lay the like charge upon yours, and they on their children successively. For ingenuous manners first made us noble, marked out and advanced our family first to honour; with equal reason and more facility, will such manners preserve us noble, which is most certainly effected by education, otherwise the estate I leave you will be but as rich trappings upon an ass, and render you more ridiculous: wherefore, whatsoever you leave your heirs, (and now I speak to your posterity in you,) be sure to give them a learned and liberal education; there being, in my judgment, no other way to secure you from falling from honour, and the despite of fortune. This which I have said concerning your duty to me, is also applicable to the memory of your excellent mother, for a personal observance you cannot pay her. I most strictly charge you, often to call to mind, that you and your brother have entered into a solemn engagement unto me, under your hands, to imitate the honours and excellencies of that dear saint, the best of wives, the best of mothers and friends. Be religious in the performance of it, as you expect my blessing. Remember, Frank, she had more pangs in your bringing up, than bringing forth, and she hath been an excellent nurse to your mind,

regarding more the health and straitness of that, than of your body, though this were cared for with the greatest tenderness imaginable. The truth is, you owe her so much, that you cannot clear your obligation by any other way; nothing can discharge you, and acquit you to her also, but by being such to yours, as she has been to you, and thus her memory is honoured, and I profess myself satisfied.

AFFECTION TO BROTHERS AND SISTERS.

As for your carriage towards your brothers and sisters, I must needs say, that your natural kindness towards them now, gives me great hopes that you will be a loving brother hereafter. And be so, Frank, as you expect the blessing of God, and my favour. Besides, your interest will require this from you, because a numerous, wealthy, and ancient family, entire, and agreeing within itself with all its dependants and relatives, cannot easily be wronged in such a country as this. I know very well how little it can suffer, and how much it can do; but then it must be, as I said, entire. The dying father's bundle of arrows in the fable, has an excellent moral, to show, how invincible love and union are. And that you may rightly understand me, this love of yours to them, must not only be in affectionate words, kind entertainment, and the like, but in a hearty real performance of all good offices that may tend to the advantage of their estates and reputation; study to do them good, and stay not for opportunities offered, snatch them rather and prevent their wishes. This is a noble way of obliging, and by this means you may make them your friends, a dearer name by far than that of brother or sister, and which, perhaps, may be repaid to yours, though yourself may not need the return; for I must tell you, kind offices have been remembered when the bestower has been rotten. And a grandchild hath been thanked, sometimes relieved, for the grandfather's kindness: insomuch as the courtesy to your brother may prove a charity to your child, think seriously of this, and remember it. But that I may be thoroughly understood in this advice, your love doth not end here, and I am not fully obeyed if you only love them in that manner as I have expressed: you must endeavour that they love one another also; to this end, be sure to put out the fire of discontent, if any appear, or but the smoke thereof, presently, so soon as it doth appear, and be careful to put it quite out, for smothered discontents break out afterwards with more violence. And herein, after my decease, you are to show the authority of a father, as well as the love of a brother to your

family; for which purpose, you ought to enable yourself with those abilities of understanding and judgment, that you may be a person fit to be sought unto, and to be relied upon. This will give you authority, and upon a presumption, these both sides will be inclined to rest and settle, being confident that your equal affection will not suffer you to deceive them, nor your sound reason to be deceived yourself.

AFFECTION TO KINDRED.

This advice I must carry also into my next particular that concerns your kindred, which, for the former reasons, you must also labour to preserve in amity, at least the major and better part of them, and it will require a very good skill, but once happily effected, it must needs bring you great reputation. Let your outward deportment be full of respect to all your kindred, but reserve to yourself a secret mark and character of each. And take heed of suffering them to come within you, yet thrust them not off: gentleness but managed with discretion, will be sometimes necessary; yet distance and gravity must presently step in to secure it from presumption, and protect it from abuse. I should say more concerning this, but I refer you to my more secret instructions, where you shall have, God enabling me, a particular of those friends and servants to your family, whose counsels you may follow, and whose service you may trust.

Frank, you are now setting your foot into the world, but before you place it, look about you, and consider that you can hardly set it but upon a snare, or a thorn, which calls upon you both for care, and courage: with these, take my experience for your guide; and, if you follow not my directions exactly, which frees you from all danger, yet tread as near as you can, you shall suffer the less; slip you may, fall you cannot.

MANNERS.

I have observed that the greatest mischief to our manners, proceed from a mistake of the nature of things; learn, therefore, first to make a right judgment of things; esteem not a feather, and slight a jewel; know that nothing is beautiful, great, or your own, but only virtue and piety; riches are not, great revenues, noble houses, money, or plate; but not to want that which is necessary to support a moderate and ingenuous condition. That glory, is to hear well for doing good; honour, a reverence for being virtuous; power and command,

an ability to oblige noble persons; nobility, heroic actions, or to be like noble ancestors; generosity, a natural inclination to virtue; health, such a constitution of the body as renders the mind vigorous; beauty, a fair soul lodged in no unhandsome body; strength, not to be weary in virtuous actions; pleasure, those pure, firm, lasting delights, which arise from those things alone which belong to the understanding and soul. All which definitions of things are clean contrary to the vulgar conceptions, and, consequently, not to be expected in their practice.

Thy birth, Frank, hath separated thee from the people; let thy actions also carry thee, and raise thee above them; suspect all things they admire; neither think their opinion, nor live their manners. They know not how to set upon each thing its due price and value; learn you to do it, and accustom thyself betimes to entertain right and sound opinions, that they may grow up with thee, and by using thyself to think well, thou mayst soon come to do well; and by frequency of well doing it will, it may, at last become so habitual and natural, as that thou canst not but do well, thou canst not do otherwise; or if at any time you do ill, it may appear to be by constraint, or force, rather than from inclination. After you are able to judge of things, and hath kept off the servile yoke which opinion hath laid upon most men, by imposing false names, and governing the world by that cheat, and that you can plainly see a rich man to want those things which he has, and a high content in poverty, discern a great man in all his liberty, chained like a slave to his lusts and idleness, and another free in his fetters: this done, to fit you for conversation, receive these following directions. First, because the eye doth make the first report of the man, and as she tells her tale, so for the most part the presence is liked or disliked, (sometimes very unjustly.) To avoid prejudice, be sure to put yourself into good fashion; and, without flattery, I may tell you, but do not hear it without thankfulness to God, you have a body every way fit to bear a graceful presence, answerable to your rank and quality. But take heed of affectation and singularity, lest you act the nobleman instead of being one. And whether you stand, sit, or move, let it be with such a becoming, pleasing gravity, as that your very behaviour may commend you, and prevail for a good opinion with the beholder. Before you speak, let your mind be full of courtesy; the civility of the hat, a kind look, or word from a person of honour, has brought that service which money could not. And he that can gain or preserve a friend, and the opinion of civility, for the moving of the hat, or a gentle look, and will not, is sillily severe; spare not to spend that which costs nothing; be liberal of them, but be not prodigal, lest they become

cheap. I remember Sir Francis Bacon calls behaviour the garment of the mind; it is well resembled, and rightly expresses the behaviour I would have in proportion to a garment. It must be fit, plain, and rich, useful and fashionable. Frank, I should not have advised you to such a regard of your outside, the most trifling part of man, did I not know how much the greatest part of the world are guided by it, and what notable advantages are gained thereby, even upon some very wise men; the request of an acceptable person being seldom, or at least unwillingly, denied. Yet take heed of minding your behaviour too much, lest it pilfer from your consideration, and hinder action. It is at best but a letter of commendation, or, like a master of ceremonies, presents you to have audience. If something be not well said or done, you are but a handsome picture, the pageant, or show of a man.

LANGUAGE.

The next thing that fits you for conversation, and is, indeed, chiefly to be laboured for, is a graceful manner of speaking in a distinct, well-tuned voice, without stammering, lisping, stopping, or repetition. And let these be your rules and caution in discourse; be sparing of speech; some do it to be suspected for wise men, yet do you speak sometimes that you may not be thought a fool. But let the little you utter be very much to the purpose, and, therefore, frame it within, before you set it forth, still observing the point of your discourse, and go to that directly. If it be a knot, untie it skilfully; always have respect to a grey-haired experience, and famed understanding, if such a one be present.

2d. Let your language be clear, proper, significant, and intelligible, fitted to the subject, which, as near as you can, should be according to the humour of the persons you converse with. And this being various, it is requisite that your abilities be various also. As in all things else, so in this of speech, be a strict observer of decorum. Speak not scholastically to a lady, nor courtly to a plain man. And take heed of surfeiting the ears of your hearers, seeing that the best discourse, like sweetmeats, quickly cloy, if they become constant food; and like perpetual music, loses its charms. Therefore, still leave your company in an appetite to hear more, baiting them sometimes with short offers, so cunningly as that they may invite you, and press you to speak on: did I fear in you a poverty of speech, or should you find at any time a slender stock, I should intreat you to good husbandry; above all things avoid common places, they are fulsome and ridiculous.

3d. If your genius leads you, and I hope it does, to affect a pleasantness of wit, this will charm and win upon all companies. And let me tell you, that a story, and a fit well-chosen tale, well told, has effected that which a more serious and wise debate could never accomplish. The Spanish are singular in this kind, which renders them the best company in the world. And you have often heard me say, that it was the best music I ever heard in Spain. Their gravity in the narration sets off a story exceedingly well; imitate it if it be possible, and if you can, get the apparelling the same tale in a various dress; that if you should chance to tell the same again, either it will not be known in its disguise, or it may again please, because of its variety; neither were it amiss if you sometimes seem to forget to show your dexterity that way. By no means affect scurrility, and whet not your wit on a dull adversary. It is no way generous to raise mirth or triumph over a fool, whom to overcome can be no victory, when the contention itself was dishonourable. If you meet with a proud, vain, self-conceited man, it may become you well to put such a one out of countenance, so it be done handsomely, and like a person of honour, for all men are well pleased to see a vain man well rallied.

4th. Be not dogmatical and peremptory in your opinion—it will be long before that become you; but having spoken, as you think, reason, if it be not allowed of, speak it again, and leave it calmly to censure. Be very careful of falling into passion: for why should you be angry, that another is not able or willing to understand you. Let me tell you, it is the sign of a very feeble spirit, not to be able to endure contradiction; and therefore, if you have a mind to gain reputation upon any by dispute, try if he can be moved: if he may be, then anger him, but without offence; you cannot wish for a greater advantage than his passion will give you; for anger, in dispute, is like an unquiet horse in a dusty way,—it raises so much dust in the eyes of the understanding, that it blinds it, and puts it out. It will lay the enraged disputant so open, that you may hit him where you please, and he cannot put by one fallacy. Besides, many have overcome by suffering the enemy to beat himself out of breath. But if you would render yourself pleasing to any person you have a mind to oblige, propose then such a subject as you know he is very well skilled in, most men being desirous and pleased to show their own excellency; and you will not lose by it neither, for the experienced soldier shall tell you more of the art of war, and a well-practised lawyer of a judged case in law, in half an hour, than all the books of both professions can teach you in a month, if, perhaps, at all. Again, if you have a desire to make a show of yourself, to discourse of that you are best

known in, take heed of rushing or breaking in upon it: it will appear pedantical, and discover an affectation which you should carefully avoid; the slight of this must be by degrees, approaches, and goings about to steal upon the argument, and draw some of the company insensibly to begin it. To shut up this particular, take notice, that some men are good at a short turn, or quick reply, who languish and are tired in a large discourse: others are nothing quick at hand, but yet their strength of reason brings them up at last. Could you join both these together, and make them one ability, you would soon appear a great master of language. I could wish you had the skill to maintain paradoxes; not to that purpose, as some cross humorous wits employ them, merely for contradiction and ostentation, but for the sharpening and stretching of your wit, which, if discreetly and modestly handled, they will afford a sharp tickling delight, set you off handsomely, and render you, to quick apprehensions, very acceptable. If to these you add modesty of countenance and speech, in one of your birth and parts, they will render your conversation sweet and charming. Therefore fail not, upon occasion, to be master of a great modesty; but withal know when to be high; and when you show it, let it be with gentle temper, in a sweet and well-commanded spirit. So that now, Frank, you being thus fitted with comely presence, and furnished with good language, sufficiency, and dexterity of discourse:

EMPLOYMENT.

I will now oversee your employment, which at present is your study: and I shall be less careful herein, upon a presumption of your tutor's care and sufficiency in the kind hath prevented me; however, I shall tell you what I have heard a very learned man speak concerning books and the true use of them.

1st. You are to come to your study as to the table, with a sharp appetite, whereby that which you read may the better digest. He that has no stomach to his book will very hardly thrive upon it.

2d. And because the rules of study do so exactly agree with those of the table, when you are from your tutor, take care that what you read be wholesome, and but sufficient. Not how much, but how good is the best diet. Sometimes, for variety, and to refresh and please the palate of your understanding, you may read something that is choice and delicate; but make no

meal thereon. You may be allowed also the music of poetry, so it be clear, chaste, and not effeminate.

3d. After you have read a little, make a stand upon it, and take not more in, nor that down, till it be well chewed and examined. Go not to another thing until the first be understood in some measure. If any thing stick with you, note down your doubts in a book for the purpose, and rest not till you be satisfied, then write that down too.

4th. In your reading, use often to invert and apply that which you observe applicable to some purpose: and if this change be a robbery, God help late writers. Sure I am, nothing to my reason appears more effectual to raise your invention and enrich your understanding.

5th. After reading, remember, as from the table, so you rise from your book, with an appetite; and being up, disturb not the concoction, which is infinitely improved by a rumination or chewing of the cud. To this end, recollection with yourself will do well, but a repetition with another far better; for thereby you will get a habit of readily expressing yourself, which is a singular advantage to learning; and by the very discoursing of what you learn, you again teach yourself: besides, something new, and of your own, must of necessity stream in.

6th. For the choice of your books, be advised by your tutor; but, by my consent, you should not have above one or two at the most in every science, but those very choice ones. I will commend one book to you,—we begin with it when we are boys, yet it will become the oldest and gravest man's hand,—it is Tully's Offices; a most wise and useful book, where you shall have excellent philosophy excellently dressed. And those that are skilful in the language say, that the whole Latin tongue is there with all its purity and propriety.

7th. For the more orderly managing of your study, I would have you divide the day into several employments. Great and wise persons have given you the example. If you will have me dispose your time for you, I shall proportion it into three octaves: eight hours of which for sleep, comprehending dressing and undressing; eight hours for devotion, food, and recreation, in which I comprehend visits and your attendance upon me; the other octave, give it constantly to your studies, unless business or like accident interrupt, which, if it shall, you must either recompence by the succeeding day's diligence, or borrow from your recreation. But by no means intrench upon your hours of devotion, which I would have you proportion

into little and frequent offices, to sweeten the spirits and prevent wearisomeness. Possibly even these hours also of devotion may sometimes receive interruption, by travel or employment of necessity; then your offices must be the less. You may likewise be deprived of the conveniency of place: if so, yet steal a retirement — nothing must hinder you from withdrawing yourself, and a good man makes any place an oratory. But be sure no merry-meeting, pastime, or humouring of others, make a breach upon your daily exercise of piety — nothing but evident necessity can dispense.

8th. Be not ashamed to ask if you doubt; but be ashamed to be reproved for the same fault twice.

9th. Be constant in your course of study; and although you proceed slowly, yet go on in your path: assiduity will make amends at last. He that can but creep, if he keeps his way, will sooner come to his journey's end, than he that rides post out of it.

10th. Endeavour at the highest perfection, not only at your studies, but in whatsoever you attempt: strive to excel in every thing, and you may perform many things worthy of praise, nothing meanly. He that aims further than he can shoot, and draws with his utmost strength, will hardly shoot short, at least deserves not to be blamed for short shooting.

11th. Avoid night studies, if you will preserve your wit and health.

12th. Whether thou dost read or hear any thing — indeed whatsoever you do — intend what thou art about, and let not thy mind wander, but compel it to be fixed and present. If any other thought comes across thee in thy study, keep it off, and refer it to some other time: this wandering of your spirit you know I have often reproved, therefore, whatsoever you do, do it, and nothing else.

13th. Suffer not thy memory to rest; she loves exercise, and grows with it every day: commend something notable to her custody; the more she receives, the better she keeps; and when you have trusted any thing to her care, let it rest with her a while, then call for it again, especially if it be a fault corrected. You must not err twice; and by this frequent calling her to account, she will be always ready to give you satisfaction; and the sooner, if what she was entrusted with was laid up orderly, and put, as it were, in the several boxes of a cabinet.

14th. If thou wouldst seem learned, the best way is to endeavour to be learned; for if thou dost not strive to be that which thou desirest to be, thou desirest to no purpose, which gives me occasion to recommend this following advice to your especial regard.

15th. It is an extreme vanity to hope to be a scholar, and yet to be unwilling to take pains; for what excellent thing is there that is easily composed? Its very difficulty doth imply, and, as it were, doth invite us to something worthy and rare. Consider, it is a rose that thorns do compass; and the forbidden object sharpens the desire in all other things. Thus a difficult mistress makes a lover more passionate; and that same man hates an offered and a prostitute love. I dare say, if learning were easy and cheap, thou wouldst as much slight her; and, indeed, who would have any thing common with a carter or a cobler? Something there is, doubtless, in it, that none but noble and unwearied spirits can attain her; and these are raised higher, and heightened by its difficulty, and would not gain her otherwise. Something there is in it, that no money or jewels can buy her. No, Frank, nothing can purchase learning but thy own sweat: obtain her, if thou canst, any other way. Not all my estate can buy thee the faculty of making but one quick epigram—the trifling part of her; wherefore I entreat thee, Frank, to raise thy spirit, and stretch thy resolution. And so often as thou goest to thy book, place before thy eyes what crowns, sceptres, mitres, and other ensigns of honour, learning hath conferred upon those that have courted her with labour and diligence; besides the rare pleasure of satisfaction, which, of itself, is an honourable reward. And let me tell thee, Frank, a learned holy man (and such a one would I fain have thee to be) looks like an angel in flesh—a mortal cherubim. And because letters are great discoverers of the man, therefore, when you write, let your stile be genteel, clean, round, even, and plain, unless the subject or matter require a more manly and vigorous expression. I cannot allow you a curiosity, unless it be like a lady's dress, negligently neat. Go not to counsel for every word, yet neglect not to choose. Be more careful to think before you write than before you speak; because letters pass not away as words do; they remain upon record, are still under the examination of the eye, and tortured they are, sometimes, to confess that of which they were never guilty. That is rare, indeed, that can endure reading. Understand the person well to whom you write. If he be your inferior, or equal, you may give your pen the more liberty, and play with it sometimes; but if to your superior, then regard is to be had to your interest with him, his leisure, and capacity; all which will be so many caveats and instructions to the humility, neatness, and brevity of your style. You shall do well if, like a skilful painter, you draw your sense, and the proportions of your business, in a plain draft first, and then give it colour, heightening, and beauty afterwards; and, if it be duly considered, it is no such

(*great*) commendation to be praised for penning a letter without making a blot, not in my judgment; therefore, after you have pondered and penned, then examine and correct. A negligent manner of writing, methinks, is a kind of an affront and a challenge, not a letter, to a person of distinction. Avoid all roughness, swelling, poverty, and looseness in your style; let it be rather riotous than niggardly. The flowing pen may be helped, but the dry never. Especially shun obscurity, because it must go a-begging for an interpreter: and why should you write to intreat him to understand you if he can. Be this your general rule, both in your writing and speaking,—labour for sense, rather than words; and for your book, take this also, study men and things.

16th. Perhaps you will expect, after all these instructions, I should commend unto you some copy or example to imitate. As for the Greek and Latin tongues, I leave it to your tutor's choice. In the English, I know no style I should sooner prefer to your imitation, than that of Sir Francis Bacon, that excellent unhappy man. And to give you direction for all imitation in general, as well as of his style in particular, be careful so to imitate, as, by drawing forth the very spirits of the writer, you may, if possible, become himself. Imitate him, but do not mock him; for the face of a bull, or a horse, is more comely, than of an ape or a monkey, though the ape most resembles man, the most beautiful of all creatures; and, in that regard, your own genuine and natural style may show more comely than an imitation of Sir Francis Bacon, if it be not exactly done. I would have the imitator be as the son of the father, not the ape of a man; that is, to put on the likeness of a child, not of an ape: for the ape only imitates the deformities and the ridiculous actions of man, the son represents all the graces of the face, gesture, and every figure of his father; and, in this representation, he hath something of himself too. I shall add but one caution more, and that is this—as he can never run well who shall resolve to set his foot in the footsteps of one that went before, so neither shall any man write well, who precisely and superstitiously ties himself to another's words. And with this liberty I wish you still happy.

17th. And such will all your studies be, if you constantly put in practice this my last admonition, which I reserved purposely for this place. It is, that you be careful every night, before you go to bed, or perform your devotions, to withdraw yourself into your closet, or some private part of your chamber, and there call memory, your steward, to account what she has heard or read that day worthy of observation; what she hath laid up, what

she spent; how the stock of knowledge improves, where and how she decays. A notable advantage will this bring to your studies at present, and hereafter (if that way employed) to your estate. But if this course be strictly observed each night between God and your soul, there will the true advantage appear. Fail not, therefore, Frank, what employment soever you have, every night, as in the presence of God and his holy angels, to pass an inquisition on your soul what ill it hath done, what good it hath left undone; what slips, what falls it hath had that day; what temptations hath prevailed upon it; and by what means, or after what manner. Ransack every corner of thy dark heart, and let not the least peccadillo, or kindness to a sin, lurk there, but bring it forth, bewail it, protest against it, detest it, and scourge it by a severe sorrow. Thus each day's breach between God and your soul being made up, with more quiet and sweet hope thou mayst dispose thyself to rest. Certainly, at last, this inquisition (if steadily pursued) will vanquish all customary sins, whatever they be. I speak it upon this reason, because I presume thou wilt not have the face to appear before God every night confessing the same offence; and thou wilt forbear it, lest thou mayst seem to mock God, or despise him, which is dreadful but to imagine. This finished, for a delightful close to the whole business of the day, cause your servant to read something that is excellently written or done, to lay you to sleep with it, that, if it may be, even your dreams may be profitable or learned. This you will find, by your own experience, true, that things will appear more naked to the eye of the soul, when the eye of the body is shut; which, together with the quiet of the night, that time is rendered a most fit season for contemplation and contrivance. As a great advantage, not only to your book, but health and business also, I cannot but advise and enjoin you to accustom yourself to rise early; for, take it from me, no lover of his bed did ever yet form great and noble things. Now, though I allowed eight hours for your bed, with the preparation to it and from it, yet this was rather to point out the utmost limits beyond which you should not go, rather than to oblige you to observe such a proportion exactly. Borrow, therefore, of these golden morning flowers, and bestow them on your book. A noble person, of all others, has need of learning, and therefore should contribute most time to it; for, besides that it gilds his honour, and sets off his birth, it becomes his employment, which a nobleman, of all others, must not want, if he will secure his soul, honour, and estate, all which are in most certain danger from idleness, the rock of nobility, considering the plenty of his table, and society, with all sorts of temptation; if, therefore, he be a hard student, he is not at leisure

to be vitious; the devil knows it is to no purpose to tempt a busy man; be always, therefore, employed; and because some are triflingly active, that you may not with them be idly busy, your book will instruct you how. O Frank, did you but hear the complaints of excellent personages, for missing of that opportunity which you are now master of; or could you but suppose yourself old and ignorant, how tender would you be of the loss of one minute! what would you not give to return to these years you now enjoy! Let this consideration sink deep and settle in you. Be more curious of the expense of your time than of your gold; time being a jewel whose worth is invaluable, whose loss is irreparable; therefore secure the present time, that you may not hereafter lose more by a vain bewailing of the past. Now, because the best of learning is to study yourself, and I have reason to believe I have some skill in you, having so curiously observed your nature and inclination, I shall make some useful discourse in order to this knowledge, by which you may both see your defects and amend them.

YOURSELF.

The most profitable and necessary in the world is to know and study thyself; wherefore, with all the plainness, sincerity, and observation you can make in your best temper of mind and body, lay yourself open to yourself; take an impartial survey of all your abilities and weaknesses, and spare not to expose them to your eye by writing, which I conceive is the best done by framing your own character, and so to draw the picture of your mind, which I recommend to your yearly practice during your life. This, Frank, if you flatter not yourself, will be your best looking-glass, and must needs have a singular influence upon your religion, and serve your soul extremely well to very high purposes; for, by this means, your growth or decay in virtue will be discovered, and, consequently, ways for the increase of that growth, or for repairing those decays and breaches in the soul, will more readily be found out, and more easily cured. When you have found both your forces and infirmities, then look with one eye upon them, and with the other on the realms you live in, whereby, comparing yourself with the general state of affairs, you shall soon discern whether there may be a correspondency and compliance between you and them, that you may thereupon either draw yourself within your private walls, to enjoy the happiness of an holy, quiet, and innocent repose, in case the times are rough and dangerous to sail in; or else, if calm and suitable, to engage yourself in some public employment, for the

service of your country and advancement of your family; though, if I may guess at the future constitution of your mind by what I observe at present, were the times never so calm and inviting, you should not be easily enticed to embark yourself into the world, or engage in busy and great employments. Your best course, in my judgment, Frank, were to say your prayers at home, manage your little affairs innocently and discreetly, and enjoy, with thankfulness, what God has bestowed upon me. But it may so happen that your inclinations may be active, and your parts correspondent, and that good fortune may find you out in your privacy, and court you to employment, — if she does, refuse her not, but embrace her with these cautions: First, be sure to ballast yourself well, by calling in to your aid all the advantages of learning, art, and experience: then consider to fit your sails to the bulk of your vessel, lest you prove a slug, or overset. And because commonwealths have their shelves and rocks, therefore get the skill of coasting and shifting your sails; I mean, to arrive at your journey's end by compassing and an honest compliance. Yet, if honesty be the star you sail by, doubt not of a good voyage, at least be sure of a good harbour.

APPENDIX, No. II.

EXTRACT RELATIVE TO LORD SHAFTESBURY.

THE following defence of Lord Shaftesbury, from the imputation of having advised the shutting up of the Exchequer, is taken from Belsham's character of Lord Shaftesbury, page 93, of his History of Great Britain: —

"Mr. Hume asserts, after Burnet, that Lord Shaftesbury suggested to Clifford the infamous advice of shutting up the Exchequer; although these statesmen were at this very time inveterate political adversaries. And there is extant a paper of objections, admirably penned, left by Lord Shaftesbury with the King, against that violent and iniquitous measure; and also a letter of the same nobleman, in which, adverting to this report, he styles it 'foolish, as well as false. If any man consider,' says he, 'the circumstance of the *time* when it was done, and that it was the *prologue* of making Lord Clifford Lord High Treasurer, he cannot very justly suspect me of the counsel for that business, unless he thinks me at the same time out of my wits.' And the Duke of Ormond, a man of honour, though of the Clarendon or York party, was heard to declare 'his wonder, why people accused Lord Ashley of giving that advice, for he himself was present when it was first moved by Lord Clifford, and he heard Lord Ashley violently oppose it.'

Mr. Belsham afterwards says, "Some of these particulars are extracted from original materials, not yet made public, but which will probably appear at no very distant interval."

APPENDIX, No. III.

CHARLES, REX.

Instructions to our right-trusty and well-beloved Cousin, Lewis, Earl of Feversham, sent by us to the Court of France.

You shall embark yourself at any of our ports, in order to your speedy passing the seas for France, and so to make what speed you can by land to that Court, wheresoever it is.

As soon as arrived, you shall desire an audience of our good brother the Most Christian King, to whom you shall deliver our letter, and desire to acquaint him with our desires, which are as followeth: —

You shall represent to the Most Christian King, that we have entered, as far as we could possibly with the Prince of Orange, upon the subject of the peace, and find him disposed to it, provided it may be made with safety to Flanders, upon which he conceiveth that of Holland and those countries to depend:

That without Valenciennes, Tournay, and Condè, as well as Charleroy, Aeth, and Coustrecht, (Courtray,) and Audenard, the Prince doth not conceive Flanders can be left in any possibility of defence, and is therefore sure the States can never go lower than that, whatever propositions we should make to them, nor could he consent to it:

That we desire to know the Most Christian King's mind upon these terms, as those only which we see any probability of consenting to, for a peace even on the States' side; and in the obtaining of this peace, conceive ourselves as much concerned as any of the party themselves:

That the Most Christian King having said always he intended not the conquest of Flanders; we have, likewise, ever declared to our Parliament and subjects, as well as all foreign ministers, that we could not see it lost. But

the refusal of these towns, without which, indeed, it could not be said to have a frontier, would confirm the general opinion of the design of France to perfect that conquest. Since the loss of it, or leaving it indefensible, would be the same thing; nay indeed, the latter the more inconvenient to the Spaniard, who in time of peace must be at the charge of garrisons, repairing fortifications, and providing stores, which, whensoever the Most Christian King shall think proper to make war upon him, must be all sacrificed to his service; if so, considerable troops may have an open entry into the middle of the country at pleasure:

That how constant soever we have been to our friendship with France, and how desirous soever we are to continue it, yet we find the humour of our people so violently bent upon the preservation of Flanders, and for which we have so often assured them of our care and endeavours, that we do not see how we can live at any *ease* with them, if we should suffer it to be lost by any further conquest there during this war, or by the terms of a peace ruinous and destructive:

That this jealousy in the Parliament, and the desire thereupon of engaging us in the war, had for these three years last past run us into so many difficulties by hindering our supplies, and raising so general discontents among our subjects, because we alone have stemmed this tide for so long together, that we reasonably doubt, whether the heat of a whole nation be always to be resisted:

That we shall be necessitated to call a parliament in April, by reason of a very great branch of our revenue that will determine at Midsummer next; and that we cannot have the least hopes of getting it continued, if after these assurances we have given them of the preservation of Flanders, they shall find it in so much a worse condition than when they parted:

That if a peace shall not be concluded, or at least the main points agreed upon before that time, the great influence that some of the confederates' ministers (less inclined to a moderate peace than the Prince of Orange) seem to have amongst some warm men in the Parliament, may raise many difficulties, which by concluding it now, may safely be avoided:

How far the irresistible temper of the House did necessitate us to a peace with Holland, is well known to the Most Christian King; and they having the like advantage now upon us in respect of our revenue, they then had in respect of our expenses, to what streights they may, and are like to drive us, is not hard to guess:

That besides this, the many obligations we have to take care of the welfare and safety of the Prince of Orange, needs not repeating to you; they will sufficiently occur to you of themselves; and we do find a thorough resolution in that Prince, to fling himself into the most desperate counsels imaginable, rather than consent to the loss of Flanders by such a peace as must ruin it, in which he judgeth his own honour and country's safety concerned to the uttermost:

You may represent to the Most Christian King, that we are the more earnest in pressing this peace, because of the many reasons it draweth with it of removing all accidents that may obstruct the hearty friendship between that King and us. That it will be with all the honour and all the safety imaginable to that King, that he being now secured by Cambray, St. Omers, and other conquests in Artois, against all the apprehensions of Flanders, and further strengthened by the accession of Burgundy, whatsoever further towns or countries he shall desire, will argue not the preservation of himself desired, but the conquest of Flanders. He hath so often declared against the latter, that we have no reason to doubt it; and as the emoluments of the war redound solely to His Most Christian Majesty, so will the glory of the peace, besides the obligation upon us, by his making it at our intercession.

The foregoing reasons, the time of the year, the nigh assembling of the Parliament, will give you ample matter to press a speedy answer to these proposals; this opportunity being lost, I know not when we shall be master of such another, if the meeting of the Parliament should, as there is probability, cross the measures we have now taken. The rest of the instructions relate to terms. Lisle and Douay proposed to be offered to Spain; a truce for Sweden and Sicily; Sicily to be restored to Spain; all to be restored betwixt France and Holland: as to the Emperor, all to stand on the present foot, or the King will use his best endeavours to have Maestricht slighted on the one side, and Philipsburg on the other. Lorrain to be restored; the acceptance of the terms to be kept secret, till consented to by the Confederates.

Additional Instruction apart.

Besides the other instructions we have given you, in order to your negotiation in France, we have thought fit to add this: In case you shall judge that the showing the instructions given you to his Most Christian Majesty,

or such of his ministers as he shall appoint, may beget a greater confidence in that Court, and so hasten your answer, (much depending upon our soon receiving of it,) we do impower you, in case in your judgment you shall think it for our service, to show the said instructions as aforesaid, the better to accelerate your dispatch, which you shall press with all instance, and return with what speed you can; but this (if done), is to be done as of yourself, and unknown to us.

We give you no project of a treaty, because you are not sent to conclude any thing, but only to acquaint that Court with the propositions mentioned in the instructions, to desire the Most Christian King's judgment upon them, and to bring that back to us with all speed.

Given at our Court at Whitehall, this 10th day of November, in the twenty-ninth year of our reign, 1677.

C. R.

By His Majesty's command.

H. Coventry.

The instructions to Mr. Montague, dated December 4th, are nearly in the same words. But they also contain these additional arguments:

"That we desired to know the Most Christian King's mind by my Lord Feversham; but he hath brought us back an answer in general, that the propositions are no way reasonable; which doth very much surprise us, when we consider how nakedly we, by him, stated the case to his Most Christian Majesty, viz. that this was the lowest terms we could bring the Prince of Orange to for a peace: that without a peace, suddenly concluded, all our measures would receive such a disturbance at home, that we should possibly be obliged to take some that we desire with all earnestness to avoid: and when his Most Christian Majesty hath seriously considered what inconveniences we have endured in parting with so many sessions of parliament in discontent, the consequences of which cannot be unknown to him; that, now we have resisted to the utmost, and for such reasons as shall hereafter be showed, you cannot defer the speedy calling of our Parliament, where, if a peace be not made, we must expect all the pressures imaginable to relieve Flanders, by such ways as we would willingly avoid; and that yet our necessities, and the conjuncture of our affairs are such, that a longer living at a distance with our people cannot be continued without an apparent * danger to our very being and crown, we cannot but hope that, when you have

* Visible.

seriously discussed this matter with our Good Brother, he will not think the parting with a town or two, for the sake of us who have so far hazarded our interest in our three kingdoms * to keep our friendship with him, (beyond our own most considerable interest,) an unreasonable demand.

"If you shall be asked the reason why we have antidated the day for the meeting of the Parliament, you must plainly say, that the great preparations and present marches in Flanders, with the siege of St. Ghislain, joined to the answer given to my Lord Feversham, made it seem necessary to us, lest Flanders should be lost before the meeting of our Parliament; which, besides many inconveniences as to the reputation of our conduct and prudence, would possibly have raised a storm too violent for us to allay.

"If the Most Christian King shall take notice to you of the good correspondence that hath still been between him and us, and object many late intrigues and miscarriages to our prejudice, you may, in our name, assure him, we have the same value for his person and friendship we ever had; neither hath the Spaniard changed the opinion we had of him by any fresh obligations. But the grounds of this our pressing him to a peace, proceedeth from a mature consideration of our own affairs at home, which, if Flanders should be lost in the interval of a Parliament, the disorder that would be in the minds of our subjects in general, and of our Parliament in particular, would, in all probability, occasion such confusions here, as would be of more damage to us than all the conquests the Most Christian King hath made, though prodigiously great, can be of advantage to him."

EXTRACTS FROM SECRETARY COVENTRY'S DISPATCHES AT LONGLEAT.

Secretary Coventry to the King.

To His Majesty, at Newmarket. Whitehall, Oct. 4. 1678.

May it please Your Most Sacred Majesty;

My indisposition having increased upon me since Your Majesty's departure, so far as to confine me most part of this time to my bed, I have not been able to give you any account of your affairs here; only this evening I have

* He does not give a thought to the interest of the three kingdoms.

made shift to creep to the council, where some of Mr. Coleman's papers have been read, which contain little as to the present question, but so much presumption in treating with the Most Christian King's confessor and ministers, for the altering the religion and government, with such characters upon Your Majesty's royal person, His Royal Highness, and all the ministers; nay, undertaking, for a sum of money, to govern Your Majesty as to the calling or not calling your Parliament; and in making a manifesto for Your Majesty to justify the dissolution of the Parliament: that I believe never any age produced a man placed in no higher a post than he is, nor of so indifferent quality, that had the confidence to venture on so many extravagant crimes at one time, nor so little care as to leave such papers to be seized, after so fair a warning, Your Majesty knowing very well there was no order for seizing his papers till the night before your departure. The clerks of the council are busy in decyphering more of his letters: as any thing of consequence arriveth, I shall not fail to give Your Majesty an account, as being, &c.

(Signed) H. Coventry.

Burnet was correct in saying "Coleman had a whole day to make his escape, if he thought he was in any danger. And he had conveyed all his papers out of the way; only he forgot a drawer under the table, in which the papers relating to 74, 75, and a part of 76 were left." But he is not equally accurate when he says, speaking of the King's going to Newmarket, "This was censured as very indecent levity in him, to go and see horse-races, when all people were possessed with this extraordinary discovery, to which Coleman's letters had given an universal credit." One would suppose he meant that Coleman's letters had come out before he went to Newmarket; but he probably means only that this discovery made people censure his levity in having gone.

To the King.

A Council. March 1680.

Mr. Hyde speaks to an order for allowance of money to witnesses to be brought up from Ireland. Thinks the Duke of Ormond should be acquainted with it, and refuses money from the Treasury, without an order from the King. The Lord President (Shaftesbury), incensed that an order of the Council should be questioned, got up and left the Council; but nobody followed him.

Letters to Lord Essex.

Feb. 2. 1675.

His Majesty declared his resolution to suppress all sorts of recusants.—Enquiry to be made when any great persons left out of the presentment.—All priests to leave the kingdom by 1st of March.—Conventicles to be suppressed.—To be determined in council next day.

Feb. $\frac{13}{23}$.

The King always speaks highly of Lord Essex.

March $\frac{27}{17}$.

Mysterious letter.—Directs him to have letters opened at the post.

May 18.

Confesses he is melancholy; for he speaks in Parliament as men fence in the dark—"Speak what I think, and mean well, but very uncertain when I do good or hurt by it."

Dec. 26. 1676.

For your other letter, your Excellency states all things very right: what a wise and honest man proposes to himself is what is his duty; some things better to suffer for, than gain by the contrary.

Letters to the Duke of Ormond.

Sept. 8. 1677.

Threats from the Spaniards of breaking with us, and seizing merchants' effects, on account of Salines and Fonseca.—Alarm on 'Change; "it gives occasion to a sad reflection, that he who is over all the world beaten, should threaten us."

Sept. 18.

Ministers inform against Rutherfort. — Correspondence of sectaries in Ireland with those of Scotland.

Newmarket, Oct. 12.

" The town is full of public ministers, to watch what the arrival of the Prince (of Orange) will produce. — I do not believe he and his uncle have one word beyond what Newmarket may justify; so that I believe the foreign ministers will be hard put to it, to give an account to their superiors of their journey hither."

Nov. 6.

Answer to application for pay to general officers. — Lord Essex had made a saving.

Dec. 18.

No levies to be made for France.

Dec. 25.

Condoles with his gout; but expects some pity for himself, who is like to have gout and parliament together.

Jan. 1. 1678.

The King refuses a recommendation concerning the Provost of Dublin, " saying, that where there are many young men in a college that are not to be dispensed with, he knoweth no reason why those that are elder should; and to forbid the youth of the college any indulgence to that appetite, and at the same time to bring women into the college to be always in sight, is like the Welsh hook, a puller-to, and a putter-from."

Jan. 15.

Several distastes of the Speaker, but the adjournments only held forth.

March 5.

Directions for holding the Parliament of Ireland.

"Upon many accounts, His Majesty finding it absolutely necessary to increase his army in that kingdom, and that when it is so, there will be less need, upon any sudden occasion, to arm either the Scots, the non-conformists, or the old militia, none of which can be done without some danger, he judgeth, ten thousand men, besides officers, is the number he would constantly maintain there."

April 13.

Upon the French King's declaration on what terms he would have peace, and that before the 10th of May, he says, "never was so great a part of Christendom, united, treated so *de haut en bas*, since it was Christendom."

June 18.

A long debate in the House, unsuccessful on the Court side.

Oct. 1.

"We have been these four days, morning and night, busied in council about the information of this Oates. If he be a liar, he is the greatest and the adroitest I ever saw; and yet it is a stupendous thing to think what vast concerns are like to depend upon the evidence of one young man, who hath twice changed his religion, if he be now a Protestant. There will many things, I believe, appear in the papers of some men taken, that will administer matter for noise; and some think a matter of this great consequence should have been digested somewhere else, before it had been brought so openly upon the stage. It is now too late to be recalled; and be the matter of the information true or false, it hath given occasion to so many enquiries, and awakened so many men and discourses upon a theme the people were but too eagerly concerned in before, that I cannot conceive it can pass over without drawing some great severity upon the Catholics, or giving so great a dissatisfaction to the kingdom as will be attended with great inconveniences."

Oct. 8.

"We have much noise, and we of the council much business about a plot.

Would two witnesses swear but half that which one doth, there would be enough to hang a great many men. Several are imprisoned, and very pernicious papers found, which, whether published, or not published, will produce great consequences."

Oct. 15.

"Our new plot, or pretended plot, (for as yet we have but one witness, and none confessing,) hath produced so many collateral contrivances of disturbing the government, that I doubt it will not only busy the Council, but the Parliament a good while.

"If you had Peter Talbot's papers, doubtless many things would appear, though, perhaps, not in relation to this plot; yet men that look for the philosopher's stone, though they miss that, yet find medicines to cure the itch, and sometimes bigger diseases."

Nov. 26.

"We must be preserved by a greater miracle than we were restored, or else perish."

Dec. 10.

"We are all, I think, in a mist as yet, and the most refining men do but grope in their politics. There are so many subdivisions in our divisions, both in Court and Parliament, that I think, ere long, we shall divide so nicely as to have no factions, which is the best I can hope of it."

Dec. 14.

"This is certain, that without any invasion from abroad, or insurrection at home, a greater confusion was never seen in any nation."

Dec. 28.

"We are here in so many disorders, that a volume cannot write it; and whilst His Majesty will use but one clue for the labyrinth, and that so stretched as it now is, I cannot but fear the event."

Jan. 4. 1679.

Parliament prorogued. — Fleet and army unpaid. — In great alarm.

Jan. 11.

Very few doubt of the plot. — Only the King not afraid for his own person. — Great arming by sea in France.

Feb. 11.

Hints at a design on Ireland from France, confirmed by letters from Amsterdam. — Brisbane's letter only hearsay to the contrary.

Feb. 15.

Letter from Mr. Thynne. — Court has not the usual favour in elections; but majority well affected to monarchy and church.

April 1.

On the entrance of the new Commissioners, only *27s.* and *8d.* (besides appropriated money) in the Treasury.

April 22.

"Though they (the new councillors,) have yet done neither good nor evil, I find the bare being preferred, maketh some of them suspected, though not criminal."

April 26.

Great debates. — House sits on Sunday.

May 5.

Four thousand arms freighted from Rotterdam for Ireland. — Enquires if ordered by the Duke?

July 5.

"Suspension of all tables, pensions, and what not?"

July 22.

Acquitting Sir G. Wakeman, rather to be attributed to judges and jury, than temper of the people.

Nov. 29.

"The sudden and unexpected arrival of the Duke of Monmouth yesterday, about two o'clock in the morning, hath given a great alarm: the King hath refused to see him, and by four or five reiterated messages, commanded his return; but he hath refused: so it is said (and I believe it) all his charges will be given away. On the other side, all the acclamations of the rabble as to bonfires, and the like, have been very great, and not a little disorderly. It is said, though he arrived at that dead hour at his lodgings, he had been three days in England; and an argument that his coming was known to some long before, (is that) copies of elaborate verses, by several authors, were published by eight of the clock in the morning, printed, and cried in the streets. Matters seem to grow very ripe, and the confusion great."

Feb. 3. 1680.

"You will by this time have received the news that four Privy Councillors, Lord Russell, Lord Cavendish, Sir H. Capell, and Mr. Powle, came in a body to the King, to desire to be dismissed from that employment. Their intrat and exit have been both very remarkable, and neither well comprehended by men of my small talent."

Feb. 22.

Persons accused of assisting French invasion not to be bailed.

Letters to Sir T. Higgins, at Venice.

Windsor, August 9. 1675.

"The death of Monsieur de Turenne; the retreat of that army; the ill success of the Swedes; and the defeat of the Marshal de Crequi, seemeth to put the Confederates in a much better posture than they were. Some think into too good a one to be fond of an equitable peace."

To Mr. Soames, Envoy Extraordinary to Savoy.

Jan. $\frac{11}{21}$, 1679.

The Plot.—" I hope we shall come at last to a perfect discovery, though it be somewhat difficult; yet I doubt not it will sufficiently appear, that there hath not only been a plot, but the most bloody, treacherous, and ungrateful one, that hath been any where practised by men of so considerable quality."

June 16. 1679.

Recalled.—Envoy Extraordinary reduced.

APPENDIX, No. IV.

Sir Patrick Hume to Lord Russell.

Noble Sir, Edr. 21 Septr. 1675.

In case my letter sent ten dayes agoe have miscaried, I forward it this way, which I hope will not faile. The honor I have of beeing both related to you and acquainted with you give mee great freedome to write, and plead y^r friendship. I am a prisoner of state, but truly not in state, for the Counsell have confined mee in a common uglie tolbooth, which, whatever my restraint abstractly bee, I looke upon as malicious, & flowing from some enemies of that board; the reason wherof you will bee best informed in by perusing the sentense, bill, petition to the Counsell, and petition to his Majesty, alreadie sent. My Lord Secretary has a signed copie of itt for the King, but I am not very hopefull of the good success of that; but I think one will bee with the Erle of Bedford, which may doe good, if hee and you think fitt. I have writt to my Lord and his Lady, and must intreat you to render mee gracious with them; and, according to your noble frendship, to doe mee what favor you think sutes y^r conveniencie and my circumstances. Mr. Eleis, a pretty gentleman and lawyer, I hope, has been with you: he is my friend, and I must recommend him to y^r favor. So now I shall trouble you no further; but indeed it will bee ever a trouble to mee, till I have some occasion to serve you, and give ane evidence that I am, with all my heart,

Noble Sir,

Your very affectionate & most humble servant.

P. Hume.

I have written to the Erle of Suffolke, my noble kinsman, whose mother was cussen germane to my grandfather.

APPENDIX, No. V.

REQUISITION

From the County of Bedford to Lord Russell, inviting him to stand for the County.

My Lord,

Wee have imparted your letter to all those your Lordshipp's servants whome wee could in soe short a time gett togeather, and wee humbly offer our opinions, (with submission to your better judgment,) that it is heigly conducing to the interest of our country to begg the honor to be represented by a person who bares soe great figure both in the publique affares, and in your present station here amungst us; and wee cannot but believe it must be some litle advantage to your future securing of the affections of this whole county, which you have soe well ingaged by your meritts. Wee neede not hint to your Lordshipp how ready some persons may be to make use of all ocasions to spread jealosys amongst the people to advance there owne intrest, by your leaving of us, especially at a time when they have, under there owne hands, petitioned your Lordshipp for it, and have received the honor of your acceptance of it, which, by an assurance under your owne hand, was communicated to the whole body of the county, at their generall assizes.

Your Lordshipp's

Aug. 31. 1679.

Most humble servants,

H. Monoux.
Will. Spencer.
Wm. Boteler.
W. Becher. (?)
T. Hillersdon.

APPENDIX, No. VI.

CHARACTERS OF THE JUDGES.

(FROM NORTH'S LIVES.)

Sir William Scroggs.

THIS Sir William Scroggs was made Lord Chief Justice of the King's Bench while his lordship (Lord Keeper Guildford) sat in the Common Pleas. He was of a mean extract, having been a butcher's son, but wrought himself into business in the law, was made a serjeant, and practised under his lordship. His person was large, visage comely, and speech witty and bold. He was a great voluptuary, and companion of the high court rakes, as Ken, Guy, &c. whose merits, for aught I know, might prefer him. His debaucheries were egregious, and his life loose; which made the Lord Chief Justice Hales detest him. He kept himself very poor; and, when he was arrested by King's Bench process, Hale would not allow him the privilege of a serjeant; as is touched elsewhere. He had a true libertine principle. He was preferred for professing loyalty: but Oates coming forward with a swinging popularity, he (as Chief Justice) took in, and ranted on that side most impetuously. It fell out, that when the Earl of Shaftesbury had sat some short time in the Council, and seemed to rule the roast, yet Scroggs had some qualms in his politic conscience; and, coming from Windsor in the Lord Chief Justice North's coach, he took the opportunity, and desired his lordship to tell him seriously, if my Lord Shaftesbury had really so great power with the King as he was thought to have. His lordship answered quick, "No, my lord, no more than your footman hath with you." Upon that, the other hung his head, and, considering the matter, said nothing for a good while, and then passed to other discourse. After that time, he turned as fierce against Oates and his plot, as ever before he had ranted for it; and, thereby, gave so great offence to the evidenceships, the plot witnesses, that Oates and Bedloe accused

him to the King, and preferred formal articles of divers extravagances and immoralities against him. The King appointed an hearing of the business in council, where Scroggs run down his accusers with much severity and wit; and the evidences fell short; so that, for want of proof, the petition and articles were dismissed. But, for some jobs in the King's Bench, as discharging a jury, &c. he had the honour to be impeached in Parliament, of which nothing advanced. At last he died in Essex-street, of a polypus in the heart. During his preferment, he lived well, and feathered his nest; for he purchased the manor of Burntwood, in Essex. It was observed of him, that every day, in his house, was holyday. His lady was a very matronly good woman; she died long before him. He had one son, who lived not many years after him; for he was a sufferer in the wars of amour. He had two daughters, one of whom was married to Sir Robert Wright, and lived to see his misfortunes; for at the Revolution he was clapt up in Newgate, and there died. The other daughter, some time the widow of Mr. Kilbie, a lawyer, married the truly noble Charles Hatton, and may be yet living.

Lord Chief Justice Pemberton.

The Lord Chief Justice Pemberton was a better practiser than a judge; for, being made Chief Justice of the King's Bench, he had a towering opinion of his own sense and wisdom, and rather made, than declared, law. I have heard his lordship say that, "In making law, he had outdone King, Lords, and Commons." This may seem strange to such as see not the behaviour of judges, and do not consider the propensity of almost all to appear wiser than those that went before them. Therefore it is the most impartial character of a judge to defer to eldership, or antiquity. But to proceed: this man's morals were very indifferent; for his beginnings were debauched, and his study and first practice in the gaol. For, having been one of the fiercest town rakes, and spent more than he had of his own, his case forced him upon that expedient for a lodging, and there he made so good use of his leisure, and busied himself with the cases of his fellow collegiates, whom he informed and advised so skilfully, that he was reputed the most notable fellow within those walls; and, at length he came out a sharper at the law. After that, he proceeded to study and practise till he was eminent, and made a serjeant. After he was Chief Justice of the King's Bench, he proved, as I said, a great ruler, and nothing must stand in the way of his authority. I find a few things noted of him by his lordship, (Lord Keeper Guilford.)

Mortified an attorney to death. Case of Lady Ivye, where advised that there was subornation, for which Johnson was ruined, and heart-broke.—The lady prosecuted Johnson for this subornation, by information in the King's Bench, and the cause was tried before Pemberton. It appeared that Johnson had no concern, or words, but by way of advice to his client; but he was borne down and convict, at which the fellow took despair and died. It was thought his measure was very hard and cruel; and that some mighty point of interest in her ladyship's law-suits depended upon this man's suffering.

Doyly's settlement a cheat, for want of words usual. Q. By whose contrivance. But he advised.—This fraudulent conveyance was managed between Sir Robert Baldock and Pemberton. It is certain it was passed by Pemberton, who was the counsel chiefly relied on; but not so certain it was his contrivance, for Baldock had wit and will enough to do it. The device was to make two jointures, as if the manors of A and B, complete, and without words of reference of the one to the other, as *in part*, &c. or *together with*—*in full*, whereby the one called upon the other. The use made of this trick was mortgaging both these estates as free, but, in truth, encumbered with the jointure and settlement. For, upon the proffer of A to be mortgaged, and the counsel demanding a sight of the marriage settlement, that of B was showed. Then upon the proffer of B, the settlement of A was showed, and so the cheat passed of both.

This Chief Justice sat in the King's Bench till near the time that the great cause of the *quo warranto* against the city of London was to be brought to judgment in that court; and then His Majesty thought fit to remove him. And the truth is, it was not thought any way reasonable to trust that cause, on which the peace of the government so much depended, in a court where the chief never showed so much regard to the law, as to his will; and notorious as he was for little honesty, boldness, cunning, and incontroulable opinion of himself. After this removal, he returned to his practice, and by that (as it seems the rule is) he lost the style of Lordship, and became bare Mr. Serjeant again. His business lay chiefly in the Common Pleas, where his lordship (Lord Keeper Guilford) presided; and however some of his brethren were apt to insult him, his lordship was always careful to repress such indecencies; and not only protected, but used him with humanity. For nothing is so sure a sign of a bad breed as insulting over the depressed.

Lord Chief Justice Saunders.

The Lord Chief Justice Saunders succeeded in the room of Pemberton. His character, and his beginning, were equally strange. He was at first no better than a poor beggar boy, if not a parish foundling, without known parents, or relations. He had found a way to live by obsequiousness, (in Clement's Inn, as I remember,) and courting the attornies' clerk for scraps. The extraordinary observance and diligence of the boy, made the society willing to do him good. He appeared very ambitious to learn to write, and one of the attornies got a board knocked up at a window on the top of a staircase, and that was his desk, where he sat and wrote after-copies of court and other hands the clerks gave him. He made himself so expert a writer, that he took in business, and earned some pence by hackney-writing; and thus, by degrees, he pushed his faculties, and fell to forms, and, by books that were lent him, became an exquisite entering clerk; and by the same course of improvement of himself, an able counsel, first in special pleading, then at large; and, after he was called to the bar, had practice in the King's Bench Court, equal with any there. As to his person, he was very corpulent and beastly, a mere lump of morbid flesh. He used to say, "by his troggs," (such an humourous way of talking he affected,) "none could say he wanted issue of his body, for he had nine in his back." He was a fetid mass, that offended his neighbour at the bar in the sharpest degree. Those whose ill fortune it was to stand near him, were confessors, and, in summer-time, almost martyrs. This hateful decay of his carcase came upon him by continual sottishness; for, to say nothing of brandy, he was seldom without a pot of ale at his nose, or near him; that exercise was all he used; the rest of his life was sitting at his desk, or piping at home; and that home was a taylor's house in Butcher-Row, called his lodging, and the man's wife was his nurse, or worse; but, by virtue of his money, of which he made little account, though he got a great deal, he soon became master of the family; and, being no changeling, he never removed, but was true to his friends, and they to him, to the last hour of his life.

So much for his person and education. As for his parts, none had them more lively than he: wit and repartee, in an affected rusticity, were natural to him. He was ever ready, and never at a loss; and none came so near as he to be a match for Serjeant Mainard. His great dexterity was in the art of special pleading; and he would lay snares that often caught his superiors, who were not aware of his traps. And he was so fond of success

for his clients, that, rather than fail, he would set the court hard with a trick, for which he met sometimes with a reprimand, which he would wittily ward off, so that no one was much offended with him. But Hales could not bear his irregularity of life; and for that, and suspicion of his tricks, used to bear hard upon him in the Court. But no ill-usage from the bench was too hard, for his hold of business being such, as scarce any could do but himself. With all this, he had a goodness of nature and disposition in so great a degree, that he may be deservedly styled a philanthrope. He was a very Silenus to the boys, as, in this place, I may term the students of the law, to make them merry whenever they had a mind to it. He had nothing of rigid or austere in him. If any near him at the bar grumbled at his stench, he ever converted the complaint into content and laughing with the abundance of his wit. As to his ordinary dealing, he was as honest as the driven snow was white; and why not, having no regard for money, or desire to be rich? and, for good-nature and condescension, there was not his fellow. I have seen him, for hours and half-hours together, before the court sat, stand at the bar, with an audience of students over-against him, putting off cases, and debating so as suited their capacities, and encouraged their industry. And so, in the Temple, he seldom moved without a parcel of youths hanging about him, and he merry and jesting with them.

It will be readily conceived, that this man was never cut out to be a Presbyter, or any thing that is severe and crabbed. In no time did he lean to faction, but did his business without offence to any. He put off officious talk of government or politics with jests, and so made his wit a catholicon, or shield, to cover all his weak places and infirmities. When the Court fell into a steady course of using the law against all kinds of offenders, this man was taken into the King's business, and had the part of drawing, and perusal of almost all indictments and informations that were then to be prosecuted, with the pleadings thereon, if any were special; and he had the settling of the large pleadings in the *quo warranto* against London. His Lordship had no sort of conversation with him but in the way of business and at the bar; but once, after he was in the King's business, he dined with his Lordship, and no more. And there he showed another qualification he had acquired, and that was, to play jigs upon an harpsichord, having taught himself, with the opportunity of an old virginal of his landlady's, but in such a manner, (not for defect, but figure,) as to see him were a jest. The King, observing him to be of a free disposition, loyal, friendly, and without greediness or guile,

thought of him to be the Chief Justice of the King's Bench at that nice time: and the ministry could not but approve of it. So great a weight was there at stake, as could not be trusted to men of doubtful principles, or such as any thing might tempt to desert them. While he sat in the Court of King's Bench, he gave the rule to the general satisfaction of the lawyers. But his course of life was so different from what it had been, his business incessant, and, withal, crabbed, and his diet and exercise changed, that the constitution of his body, or head rather, could not sustain it, and he fell into an apoplexy and palsy, which numbed his parts, and he never recovered the strength of them. He outlived the judgment in the *quo warranto*, but was not present, otherwise than by sending his opinion by one of the Judges to be for the King, who, at the pronouncing the judgment, declared it to the Court accordingly, which is frequently done in like cases.

Lord Chief Justice Jeffries.

The worst parts of the character of Jeffries are well known. The following character takes notice only of the most disgusting. It is remarkable, that in the same page we find him censured for taking part, on two occasions, in Court, with persons of the popular party, as a sort of ingratitude to the Duke of York: as if it was the first duty of a judge to show his gratitude to his patron, and as if Jeffries was not an instrument sufficiently servile!

"This, to conclude, is the summary character of the Lord Chief Justice Jeffries, and needs no interpreter. And, since nothing historical is amiss in a design like this, I will subjoin what I have personally noted of that man, and some things of indubitable report concerning him. His friendship and conversation lay much among the good-fellows and humourists, and his delights were, accordingly, drinking, laughing, singing, kissing, and all the extravagances of the bottle. He had a set of banterers, for the most part, near him, as, in old time, great men kept fools, to make them merry. And these fellows, abusing one another and their betters, were a regale to him; and no friendship or dearness could be so great, in private, which he would not use ill, and to an extravagant degree, in public. No one that had any expectations from him was safe from his public contempt and derision, which some of his minions at the bar bitterly felt. Those above, or that could taunt, or benefit him, and none else, might depend on fair quarter at his hands. When he was in temper, and matters indifferent came before

him, he became his seat of justice better than any other I ever saw in his place. He took a pleasure in mortifying fraudulent attornies, and would deal forth his severities with a sort of majesty. He had extraordinary natural abilities, but little acquired, beyond what practice in affairs had supplied. He talked fluently, and with spirit; and his weakness was, that he could not reprehend without scolding, and in such Billingsgate language, as should not come out of the mouth of any man. He called it "giving a lick with the rough side of his tongue." It was ordinary to hear him say, "Go, you are a filthy, lousy, knitty rascal;" with much more of like elegance. Scarce a day past that he did not chide some one or other of the bar, when he sat in the Chancery; and it was commonly a lecture of a quarter of an hour long. And they used to say, "This is yours; my turn will be tomorrow." He seemed to lay nothing of his business to heart, nor care what he did, or left undone; and spent, in the Chancery Court, what time he thought fit to spare. Many times, on days of causes at his house, the company have waited five hours in a morning; and, after eleven, he hath come out inflamed, and staring like one distracted. And that visage he put on, when he animadverted on such as he took offence at, which made him a terror to real offenders; whom also he terrified with his face and voice, as if the thunder of the day of judgment broke over their heads: and nothing ever made men tremble like his vocal inflictions. He loved to insult, and was bold without check; but that only when his place was uppermost. To give an instance:—A city attorney was petitioned against for some abuse, and affidavit was made that, when he was told of my Lord Chancellor, "My Lord Chancellor," said he, "I made him;" meaning his being a means to bring him early into city business. When this affidavit was read, "Well," said the Lord Chancellor, "then I will lay my maker by the heels." And, with that conceit, one of his best old friends went to gaol. One of these intemperances was fatal to him. There was a scrivener of Wapping brought to hearing for relief against a bummery bond: the contingency of losing all being shewed, the bill was going to be dismissed. But one of the plaintiff's counsel said, that he was a strange fellow, and sometimes went to church, sometimes to conventicles, and none could tell what to make of him; and "it was thought he was a Trimmer." At that the Chancellor fired. And "a Trimmer!" said he. "I have heard much of that monster, but never saw one. Come forth, Mr. Trimmer; turn you round, and let us see your shape." And at that rate talked so long, that the poor fellow was ready to drop under him; but, at last, the bill was dismissed, with costs, and he

went his way. In the hall, one of his friends asked him how he came off? "Came off!" said he: "I am escaped from the terrors of that man's face, which I would scarce undergo again to save my life; and I shall certainly have the frightful impression of it as long as I live." Afterwards, when the Prince of Orange came, and all was in confusion, this Lord Chancellor, being very obnoxious, disguised himself, in order to go beyond sea. He was in a seaman's garb, and drinking a pot in a cellar. This scrivener came into the cellar after some of his clients, and his eye caught that face, which made him start; and the Chancellor, seeing himself eyed, feigned a cough, and turned to the wall with his pot in his hand. But "Mr. Trimmer" went out, and gave notice that he was there; whereupon the mob flowed in, and he was in extreme hazard of his life; but the Lord Mayor saved him, and lost himself; for the Chancellor, being hurried with such a crowd and noise before him, and appearing so dismally, not only disguised, but disordered, and there having been an amity betwixt them, as also a veneration on the Lord Mayor's part, he had not spirits to sustain the shock, but fell down in a swoon, and, in not many hours after, died. But this Lord Jeffries came to the seal without any concern at the weight of duty incumbent upon him; for, at the first, being merry over a bottle, with some of his old friends, one of them told him, that he would find the business heavy. "No," said he; "I'll make it light." But, to conclude with a strange inconsistency, he would drink and be merry, kiss and slaver, with those *bon* companions over night, as the way of such is, and, the next day, fall upon them ranting and scolding with a virulence unsufferable."

APPENDIX, No. VII.

JULIAN THE APOSTATE.

This work is undertaken with the view of answering Dr. Hickes, who, in his sermons, had asserted the dogma of non-resistance. It had been maintained, that the Gospel does not prescribe any remedy but flight against the persecutions of the lawful magistrate, allowing of no other means, when we cannot escape, but denying or dying for the faith; and that the professors of Christianity ought rather to die than resist by force, not only the King, but all that are put in authority under him. According to which doctrine, as Mr. Johnson observes, the lives of all subjects would lie at the mercy of every constable or tything-man who should have violence or baseness sufficient to destroy them. It is needless to dwell upon the arguments brought forward to overturn a theory which no longer imposes on the meanest understanding, and which the authority of two great national acts has set aside.

But it may be proper to insert the propositions which Mr. Johnson enforces as the result of his arguments, since it is probable that they were sanctioned by the approbation of Lord Russell. They are as follows: —

1. Christianity destroys no man's natural or civil rights, but confirms them.

2. All men have a natural and civil right and property in their lives, till they have forfeited them by the laws of their country.

3. When the laws of God and of our country interfere, and it is made death by the laws of the land to be a good Christian, then we are to lay down our lives for Christ's sake. This is the only case wherein the Gospel requires passive obedience; namely, when the laws are against a man. And this was the case of the first Christians.

4. That the killing of a man contrary to law is murder.

5. That every man is bound to prevent murder, as far as the law allows, and ought not to submit to be murdered, if he can help it.

It will be seen, that these propositions reserve resistance for an extreme case of tyranny and oppression, which makes it the more improbable that Lord Russell should have afterwards consented to an insurrection, but upon the prospect of immediate danger.

The pamphlet of Mr. Johnson is, as the title implies, in the form of a life of the Emperor Julian, whose persecutions, his adversaries said, had been resisted only by prayers and tears. The historical applications, though drawn into too great a length for the present taste, are not without sharpness, of which one passage may serve as a specimen. He had mentioned a passage of Gregory Nazianzen, where he relates that his father so far resented an attempt of Julian upon the Temple, that he was very near kicking him. "And now," says the author, "know I no more than the Pope of Rome what to make of all this, what they meant by it, or upon what principles these men proceeded. Whether the laws of their country allowed them (which I am sure the laws of our country do not allow a man to imagine) to offer violence to their lawful Emperor; or whether old Gregory distinguished, and did not resist Julian, but only the devil, which his son so often tells us was in him; or how it was, I will never stand guessing; only this we may be assured of, that none of these Bishops had ever been in Scotland, nor had learned to fawn upon an apostate, and a mortal enemy to their religion."

APPENDIX, No. VIII.

BURNET'S JOURNAL.

THE first time I came to my Lord Russell, which was on Monday at three o'clock, he received me with his ordinary civility and smiling countenance, in all respects as he used to do. He was then folding up his letter to the Duke, which he showed me, and said, "This will be printed, and will be selling about the streets as my submission, when I am led out to be hanged." He said, there was nothing in the letter that went against him, but the whole of writing to one, whom he had so much opposed. As he was folding up the paper, he told me the story of Colonel Sydney's razor with as much cheerfulness as ever I saw in him. Then he fell a lamenting my Lord of Essex's misfortune, and said, a great part of it was on his account, which he gathered from a message he had sent to his father the night before, that he was more sorry for his son's condition than he was, and from the time in which he did it; and the reason of it he believed was, that the Earl of Essex had almost forced him to admit my Lord Howard to a meeting at his house. For when he saw the Lord Howard, Colonel Sydney, and Mr. Hampden coming in, he said to the Earl of Essex, who was come before, "What have we to do with this R——?" and would have gone out, but the Earl of Essex made him stay. Yet he said, having that mistrust, he said very little. And (to put all that belongs to this matter together) the night before his death, he said to me, in my lady's hearing, that my Lord Howard, in many particulars, had sworn falsely, and done him wrong. But I did not reckon them up. He added, concerning the Earl of Essex, that the day before he, seeing his window open, looked towards it through the glass in the head of his staff, and saw him leave the window as soon as he appeared, and go into the room. So that he believed his condition gave the fatal crisis to his melancholy. He

spoke often of him to me, and very largely, the day before his death: he said, he was the worthiest, the justest, the sincerest, and most concerned for the public of any man he ever knew. And he also told me, that my Lord of Essex was afterwards much troubled for admitting the Lord Howard to their meetings, and thought he would betray them; upon which he answered, he had ventured upon the confidence the other had in him, for, added he, if you should betray me, every body would blame you, and not me; but if we should let such a man as my Lord Howard betray us, every body would blame us, as much as him. These discourses lasted about half an hour, till my lady was gone with the letter, and then he entered upon the most serious discourses I ever heard. He told me, for death, he thanked God as a man, he never was afraid of it, and did not consider it with so much apprehension as the drawing of a tooth. But he said he found the courage of a man, that could venture in the heat of blood, was very different from the courage of a dying Christian, and dying in cold blood. That must come from an inward peace of conscience and assurance of the mercy of God; and that he had to such a degree, that though from the first day of his imprisonment he reckoned he was a dead man, it had never given him any sort of trouble. He added, that God knows the trouble I saw him in some weeks ago, when his son was ill, had gone nearer his heart, and taken more of his rest from him, than his present condition had done. And he remembered of a colic he had lately, which had filled him with so much pain, and so oppressed his spirits, that he saw how little a man could do, if he came to die in such a manner; whereas he had now all his thoughts perfectly about him, and had no other apprehensions of death, but being a little gazed at by his friends and enemies, and a moment's pain. He said that though he had been guilty of many defects and failings, (amongst which he reckoned his seldom receiving the sacrament,) yet he thanked God, he had a clear conscience, not only in relation to the public, (in which he had gone so sincerely, that he was sure he had nothing to answer for, but the sense of ignorance, and some indecent discourses, in which he had been generally more guilty by hearing them, and being pleased with them, than by much speaking,) but in relation to all his other concerns, he had spent much, but it was in no ill way. He could never limit his bounty to his condition; and all the thoughts he had of the great estate that was to descend upon him, was to do more good with it; for he had resolved not to live much above the pitch he was then at. He thanked God, that now for these many years he had made great conscience of all he did; so that the sins of omission were the chief things he had to answer for. God knew the

sincerity of his heart, that he could not go into a thing he thought ill, nor could he tell a lie. After an hour's discourse, we prayed together. Then he came to talk of his condition; he then thought the sentence would, perhaps, be executed by hanging; but he said if his friends could hear that as well as he could, it was no matter. He next fell to speak of a paper to be left behind him; he was resolved to say very little on the scaffold, but to leave a larger paper. So he went over the heads he thought fit to speak to, which I perceived he had considered much. He said he had much leisure in the Tower, and had always looked for this; for that he did not doubt but the sheriff would take care to return such a jury as was resolved to condemn him, if the King's council should bid them; so he had been forming in his mind what was fit for him to do in this matter; for in most of the particulars, he expressed himself very near in the same words that are in his paper. So I left him for that night. He desired me to come again the next day at noon; and, in his modest way, desired as much of my time as I could conveniently spare.

Next day I came to him, and found him in the same temper I had left him, so sedate, and, upon occasion, so cheerful, that I never saw the like before. He then went again over the heads of his paper, and a minute was made of the points he was to write off, according to their order. I shall not mix in this relation any thing of what I said to him upon any of them; but this in general, that I discharged my conscience in all respects, both as a faithful subject to the King, and as a sincere minister of the gospel ought to have done. The thing is as it is, and I will neither say what I approved or disapproved; but this I will add, that all the critical and nicer parts were very well weighed, to an exactness in the choice of every word. He thought it was incumbent upon him to write all he had written; but he promised me to consider every thing that I had offered to him. When this was done, he ran out into a long discourse of the providence of God in this matter. Rumsey and Lord Howard were two men he had always a secret horror at. Shepherd he thought better of, till he was told he had betrayed Walcotte. Then he said he wondered not he had sworn falsely of him; but till then he thought he had forgot himself. His coming up to town occasionally; his being called by the Duke of Monmouth with so good an intention; his not going to a formal meeting where Rumsey was not, but to that where he was present; and the fatal melancholy of the Earl of Essex that morning; all had such marks of a providence of God, that he was fully satisfied it was well ordered by God for some good ends, that it should be as it was. After two hours' discourse my Lady came. He dined, ate, and drank as heartily, and did every thing in as cheer-

ful a manner as he used to do. Then he heard (though but doubtfully) that Saturday was the day; so he wished to have two days more, that he might finish his paper. After dinner he called for tea, and talked of the state of Hungary, and the affairs of Europe, just as he used to do. When my Lady was gone, he expressed great joy in the magnanimity of spirit he saw in her; and said the parting with her was the greatest thing he had to do, for he was afraid she would be hardly able to bear it. The concern about preserving him, filled her mind so now, that it in some measure supported her; but when that would be over, he feared the quickness of her spirits would work all within her. From this he turned to speak of his condition, which he did in the same strain he had done the day before. He said he was still very glad he had not fled, for he could not have lived from his children, and wife, and friends: that was all the happiness he saw in life. He was glad that some, who had not lived so as to be fit to die, had escaped. And a proposition being sent him by one of the most generous and gallant friends in the world, of a design for making his escape, he, in his smiling way, sent his thanks very kindly to him, but said, he would make no escape. But, (now I remember better, this was on Wednesday,) after this we prayed, and I left him.

On Wednesday I came to him at noon, (the hour he had appointed,) and found he had written three pages of the eight, of which his paper consisted, but had left some spaces void for some more things; and he drew in other pieces of paper, what he had intended to fill them up with; and after dinner, (during which, as in all his meals, he behaved himself in his ordinary manner,) he showed it to my Lady, and after a little discourse, he filled up the void spaces, which he did with that severe strictness, that it was visible he would not say a word but what was exactly according to his conscience. Then upon some discourse upon his writing to the King, he cheerfully resolved on it. For though he always said he never did any thing that he thought contrary to his interest, yet many railleries, and other indecent things had passed, for which he prayed God to forgive him, and resolved to ask the King's pardon. And he said he thought he must likewise let the King know, that he also forgave him; and he himself hit on that expression (of all concerned in his death from the highest to the lowest). After some more discourse his father and uncle came to see him; and we all prayed again, and I left him for that night.

On Thursday I came at noon, and found he had got very near the end of his paper, so that he concluded it before dinner. Only again I saw new void spaces, and saw, on other papers, blotted draughts of what he designed

to put in them. And he likewise filled them up before he dined; so that he was at great ease. Upon this my Lady came in, and told him the respite till Monday was denied. This touched him a little; but I perceived it only in his looks: but he said nothing, but that he thought such a thing was never denied to common felons. Yet, when he considered that he had done with his papers, he was presently very well satisfied; and said afterwards, he was glad it was not granted, for all that he desired it for was, that he might have one whole day for the concerns of his soul, and have nothing to mix with them. So he dined, and, after dinner, he wrote his letter to the King. Then he wrote his speech he intended to make to the sheriffs; only, upon report of what Captain Walcott had said of him, he added those words relating to that on Friday. Then he was more composed than ever, for all was done that could have given him any uneasy work to his thoughts. He spake of all people that had appeared against him, particularly of the Lord Howard, with great pity, but with no resentment. He said, he had been well enough known before, but now it was so much better, that he could betray nobody any more. When my Lady went, he said, he wished she would give over beating every bush, and running so about for his preservation. But, when he considered that it would be some mitigation of her sorrow afterwards, that she left nothing undone that could have given any probable hopes, he acquiesced: and, indeed, I never saw his heart so near failing him, as when he spake of her. Sometimes I saw a tear in his eye, and he would turn about, and presently change the discourse. He resolved to receive the sacrament on Friday, and so resolved to spend that day as he intended to have done the Lord's day, had he lived so long. The sacrament was to be given him early in the morning, because of Captain Richardson's attendance on the other executions that day. So the Dean of Canterbury, who was with him every day, except Thursday (in which he was engaged), came in the morning, and gave it him according to the common prayer; which he received with that grave and sedate devotion, that still appeared in him. His man desired to receive with him; so the Captain took our promise that there should be nothing done, while his man was in the room, but the giving of the sacrament; and therefore, till it was over, the Dean spake nothing to him: but, after that, the Dean asked him of his believing all the Articles of Christian Religion, which were, indeed, the doctrine of this Church. He said he did believe them truly. Then he asked him of his forgiving all persons. That, he said, he did from his heart. And, in the last place, he told him, he hoped he would discharge his conscience in full

and free confession. He assured him he had done it: so the Dean left him. None but my Lady and I staid; and that morning I preached two sermons to him: the first was on Rev. xiv. 13., the second on Psalm xxiii. 4. They were about half an hour in length; and there was an interval of about two hours between. He was pleased to tell me, at night, that what I spake came into his heart; and he believed it was sent to him from God. In the interval, he told me he could not pretend to such high joys and longings, but on entire resignation of himself to the will of God, and a perfect serenity of his mind. He said he once had some trouble, because he found not those longings Mr. Hampden the younger had, of whom he spake often with great kindness and esteem. He had, a few days before his commitment, given him, from Mr. Baxter, his late book of "Dying Thoughts;" and he found many things in that so pat to his own condition, that he blessed God for the comforts of that book. He dined as he used to do. After dinner, he signed the copies of his papers, and wished it might be that night sent to the press, which my Lady ordered by his directions. After dinner, his children were brought to him. I saw him receive them with his ordinary serenity; but I staid not till he dismissed them. I left him for about three hours, and came to him at eight o'clock. He supped very cheerfully, and, after supper, fell into a long and pleasant discourse of his two daughters, and of several other things. He desired me to pray, both before supper and at his parting with my Lady. He talked of several passages concerning dying men with that freedom in his spirit, that made us all stare one upon another. And when a note was sent to my Lady of a new project for his preservation, he did so treat it in ridicule, that I was amazed; and I wondered much that, when he saw us that were about him not able to contain our griefs, he, who was so tender himself, was not by that more softened.

At ten o'clock my Lady left him. He kissed her four or five times; and she kept her sorrow so within herself, that she gave him no disturbance by their parting. After she was gone, he said, "Now the bitterness of death is past," and ran out into a long discourse concerning her — how great a blessing she had been to him; and said, what a misery it would have been to him, if she had not had that magnanimity of spirit, joined to her tenderness, as never to have desired him to do a base thing for the saving of his life: whereas, otherwise, what a week should I have passed, if she had been crying on me to turn informer, and be a Lord Howard! Though he then repeated, what he had often before said, that he knew of nothing whereby the peace of the nation was in danger; and that all that ever was, was either

loose discourse, or, at most, embryos, that never came to any thing; so that there was nothing on foot, to his knowledge. But he left that discourse, and returned to speak of my Lady. He said there was a signal providence of God in giving him such a wife, where there was birth, fortune, great understanding, great religion, and great kindness to him; but her carriage in his extremity was beyond all. He said, he was glad that she and his children were to lose nothing by his death; and it was great comfort to him, that he left his children in such a mother's hands; and that she had promised to him to take care of herself for their sakes: which I heard her do. Then he left this discourse, and talked of his change; how great a change death made, and how wonderful those new scenes would strike on a soul. He had heard how some that had been born blind were struck, when, by the couching of their cataracts, they saw; but what, said he, if the first thing one saw were the sun rising?

About twelve he undressed himself, and was locked in, having given order to call him at four: so at four we called him, and he was fast asleep. He dressed himself as he used to do; neither with more nor less care; only he would not lose time to be shaved. He was in the same temper he had always been in, and thanked God he felt no sort of fear nor hurry in his thoughts. We prayed together, with some intervals, five or six times; and, between hands, he often went into his chamber, and prayed by himself. Once he came out with more than ordinary joy, and said he had been much inspired in his last prayer, and wished he could have writ it down, and sent it to his wife. The Dean came, and prayed, and spake also with him. We both looked at one another, amazed at the temper he was in. He gave me several commissions to his relations; but none more earnest than to one of them, against all revenges for what had been done to him. He told me he was to give me his watch, and wound it up, and said, "I have done with time; now eternity comes." The ring, in which the ribband goes, broke in his hand, which he thought a little strange. He once was giving me his watch in the prison, but he thought it would be more decent to do it on the scaffold. He also called a story to mind, which might perhaps come to be talked of, in which another was concerned, and though his part was worthy and truly religious, there is a very good reason why it should not be spoken of; so he charged me never to speak of it, unless I heard it talked of, and then he left me to my discretion. I confess, when he began with a charge of secrecy, I thought it was something relating to the public; and I told him, I could not promise it. But it was wholly of another nature.

He continued in this temper till the last: he called for tea, and drank two dishes; and about half an hour before he expected to be called on, he drank a glass of sherry, and ate a mouthful of bread. He asked the Dean how Sir Richard Corbet (who he heard was sick) did, and when he saw Colonel Titus, and desired to be remembered to him; and was asking if they were taking up any more, just as Captain Richardson told him the sheriffs were come. So he withdrew for half a quarter of an hour, and then came out, with no alteration in his looks.

As he came down, my Lord Cavendish was below, and he took leave of him; but when he left him, he remembered of somewhat of great importance, and went back to him, and spake to him with great earnestness. He told me what it was in general, and wished me to second it. He went out to his coach with his ordinary cheerfulness, and wondered to see so great a crowd.

As we were going, he looked about him still, and knew several persons. Some he saw staring on him, who knew him, and did not put off their hats. He said there was great joy in some; but that did not touch him so much as the tears he observed in other people's eyes; for that, he said, made him tender. I observed he was singing often within himself, but could not hear the words. I asked him what he sang. He said it was the beginning of the 119th psalm; but he should sing better very soon. And observing the crowd, he said, he should soon see a greater and better company. As we came by Warwick-House, observing all shut up there, he asked if my Lord Clare was out of town. I told him, he could not think any windows would be open there upon this occasion.

As we came to turn into Little Queen-Street, he said, I have often turned to the other hand with great comfort, but now I turn to this with greater, and looked towards his own house; and then, as the Dean of Canterbury, who sat over against him, told me, he saw a tear or two fall from him.

When he came into the field, he wondered to see such a crowd. I remember it rained as we were on the way; and he said to us, this rain may do you hurt that are bare-headed. And the night before, at supper, when he heard it rain heavily, he said it would spoil the show to-morrow, if the rain should continue; for a show in a rainy day was a very dull thing. After all was quiet, he spake to the sheriffs what he intended, of which he read the greater part. Then he desired the Dean to pray. After that, he spake a word to the Dean, and gave him his ring, and gave me his watch, and bid me go to Southampton-House and Bedford-House, and deliver the commissions that he had given me in charge. Then he kneeled down, and

prayed about three or four minutes by himself; afterwards he undressed himself. He had brought a night-cap in his own pocket, fearing lest his man might not get up to him. But on the way he observed him walking very sad by the coach, and said, "Taunton has been a faithful servant to me; and I hope, if my son lives, he shall serve him as long as he has done me."

He threw off his periwig, and put on his night-cap, and then unbuttoned his coat, and let it be drawn off. After that, he took off his cravat; and all this without the least change of countenance. And with the same courage, after he had given the executioner what he had intended him, (which he had forgot to do at first,) he laid himself along, and said he would give no sign. But when he had lain down, I looked once at him, and saw no change in his looks; and though he was still lifting up his hands, there was no trembling; though, in the moment in which I looked, the executioner happened to be laying his axe to his neck, to direct him to take aim. I thought it touched him; but I am sure he seemed not to mind it.—This is a punctual and true relation of all that I can remember between him and me.

G. B.

APPENDIX, No. IX.

REMARKS ON A PASSAGE IN ECHARD'S HISTORY.

We are told in Echard's Appendix to his History, that Dr. Tillotson informed the King that Lord Russell had declared to him, that he was satisfied the King had never done any thing to justify any one in rebelling against him. That he had never any such thought himself, and only kept company with those unhappy men to prevent the Duke of Monmouth from being led into any rash undertaking by them, and more particularly the Earl of Shaftesbury. Being then asked, why Lord Russell did not discover their design to the King? he answered, that Lord Russell had said he could not betray his friends, nor turn informer against them, while he saw there was no danger: but if things had come to a crisis, he would have contrived that some notice should have been given to the King; and, in case of violence, would himself have been ready to oppose them sword in hand.

The King himself, says Echard, confirmed the truth of the greatest part of this account; and, in conclusion, said, "James (meaning the Duke of Monmouth) has often told me the same thing."

Upon first reading this account, I was convinced some error had crept into it. For, in a manner totally opposite to the character of a man of honour, and much more to the plain and upright conduct of Lord Russell, he is here represented as engaging in consultations for rebellion, with the design of frustrating and betraying them. A perusal of Dr. Tillotson's examination before the House of Lords, after the Revolution, has persuaded me that Echard has fallen into many mistakes, which make the credit of this story doubtful. For, by his account, Dr. Tillotson's letter to Lord Russell fell into the hands of Sir Thomas Clarges, who came in when Dr. Tillotson was reading it to Lord Halifax, and found means not only to read it, but to take a copy of it, from which copy, he supposes, it was printed. But it appears, by the examination, that it was a servant who came in to announce

the Spanish Ambassador, when Dr. Tillotson was reading the letter to Lord Halifax. And Lord Halifax told him, that he had shown the letter to the King upon the occasion of Lord Russell's paper being cried about the streets, and that the King, as he supposed, had given copies of it.

2d. According to Echard, the examination of Dr. Tillotson before the Cabinet Council took place on the day of the execution. But in fact he was not examined till the day after.

Echard's account professes to be taken from a great man, (Dr. Tennison, I believe,) who heard it from Tillotson's own mouth. But if in this double narration mistakes have crept with regard to the time of the examination, and the manner of the letter's coming into the King's hands, how much more likely is it that the discourse of Lord Russell to Dr. Tillotson, the whole force of which depends on the expression, has been incorrectly stated?

Burnet says, that Tillotson had little to say before the Council, but only that Lord Russell had showed him the speech the day before he suffered.

THE END.

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ERRATA.

Page 7. line 20. for *Hollingford* read *Wallingford.*
9. line 1. for *in his travels* read *on his travels.*
14. line 33. and 34. for *Hid* read *Nid.*
15. line 19. for *lettter* read *letter.*
20. line 16. for *to merrit* read *merrit to.*
36, 37, and 38. line 1. for 1672 read 1673.
62. note, line 12. for *thin* read *thing.*
64. note, line 3. for *Magole* read *Mayole.*
68. line 26. for *his* read *their.*
71. line 18. for *Enthanasia* read *Euthanasia.*
88. line 18. for *Russel* read *Russell.*
107. line 7. dele the comma after *North.*
116. line 27. for *Lewis Fourteenth* read *Lewis the Fourteenth.*
144. line 25. for *the m* read *them.*

DATE DUE			
FEB 20 1976			
JUL 7	1981		